

## STAFF ASSISTANCE

You may call the Development Review Division's Information Office at 301-495-4610 to learn how the process works, the timing of staff evaluation, and the proposed date of the Planning Board's public hearing.

For a more detailed discussion of issues related to the proposed site plan, you can contact the staff member assigned to review the case at 301-495-4595. When calling, please refer to the site plan application number.

## RESPONSE TO A PROPOSED PLAN

Normally, an applicant for site plan approval will respond to staff's evaluation or issues raised by the DRC by submitting a revised site plan.

If the staff reviewer decides that the proposed revisions are significant, the applicant may be directed to send copies of the revised plan to the same adjacent and confronting property owners and citizens associations that received copies of the original plan.

Interested persons may contact the Information Office at 301-495-4610 to periodically check on the status of the staff evaluation and on whether an applicant has filed a revised plan. Comments, questions, and issues related to a revised plan can be submitted in writing or may be personally brought to the attention of the staff reviewer.

Individuals, residents and associations can and should submit written comments reflecting their issues and views on the original site plan and all revised plans to:

M-NCPPC  
Development Review Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Making your views known to the staff and Planning Board in writing is a basic and essential way to effectively participate in the process.

The written comments received from individuals, residents and associations will be distributed to the Planning Board prior to the public hearing.

## RELEVANT ISSUES

The issues and decisions in the site plan approval process do not relate to whether a particular property can be developed, because the land in question is already in the appropriate zoning classification.

Among the relevant issues that could be the subject of written comments are:

- ☐ Compatibility of the proposed site plan with existing and proposed adjacent development
- ☐ The environmental effects of the proposed site plan
- ☐ Vehicular access and circulation
- ☐ Conformance to development standards, such as setbacks, height, bulk and scale
- ☐ Master plan recommendations and guidelines for the site

- ☐ Adequacy of open space, recreation and conservation areas

**Effective citizen participation in the site plan review process requires a continuous effort that takes time and initiative.**

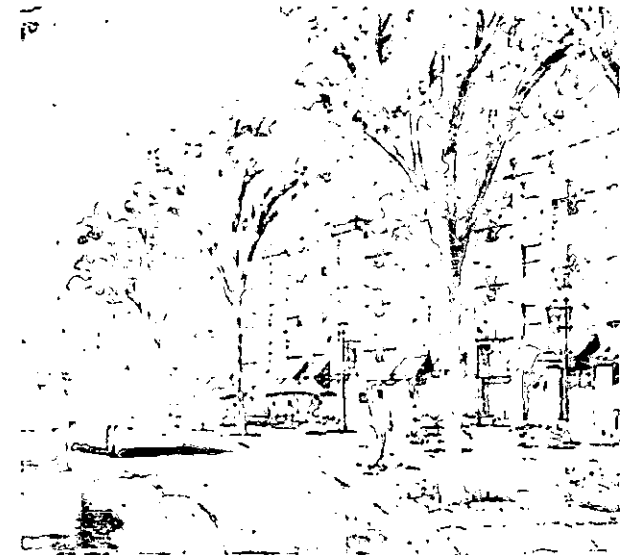
For more detailed information about the site plan approval process and the County's land use control procedures and requirements, please refer to Division 59-D-3 of the Montgomery County Zoning Ordinance which is available on the Montgomery County Website: [www.amlegal.com](http://www.amlegal.com).

Assistance in developing and presenting relevant issues that reflect the viewpoint of the neighborhood in which the requested site plan is located is available through:

The Office of the People's Counsel  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 226  
Rockville, Maryland 20850  
240-777-9700

# How to participate effectively in the site plan review process

## in Montgomery County, Maryland



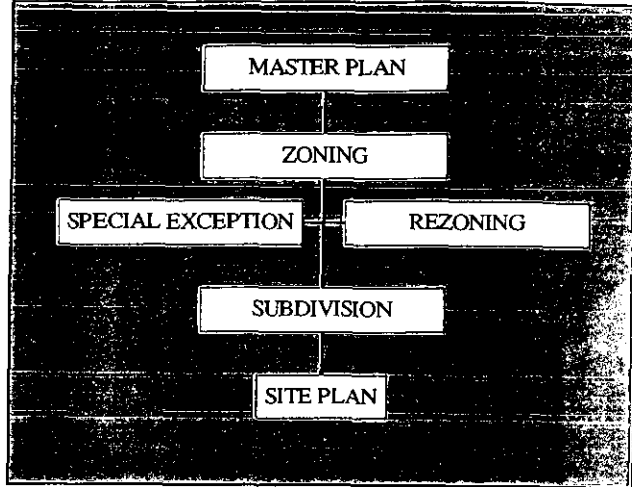
The Maryland-National Capital Park &  
Planning Commission

The Office of the People's Counsel

M-NCPPC Department of Park and Planning  
Montgomery County, Maryland

Office of the People's Counsel  
Montgomery County, Maryland

## MONTGOMERY COUNTY LAND USE CONTROL PROCESS



The site plan review process is the detailed review of the locations of buildings, structures, recreation and open space, landscaping, lighting, pedestrian and vehicular circulation and parking

The site plan review process is the last step in the County's land use control process prior to recording plats and the issuance of construction permits. Certain development applications, as specified in the Zoning Ordinance, require site plan review.

A site plan is a land use plan showing all elements of a proposed development. The review process determines whether each structure and use is compatible with existing and proposed adjacent development.

A site plan may include the following elements:

- ❑ Natural features such as topography, vegetation, flood plains, wetlands and waterways

- ❑ Development details such as buildings, public spaces, vehicular circulation, parking areas, pathways, recreation/open space, landscaping and lighting
- ❑ Development program identifying the phases of construction

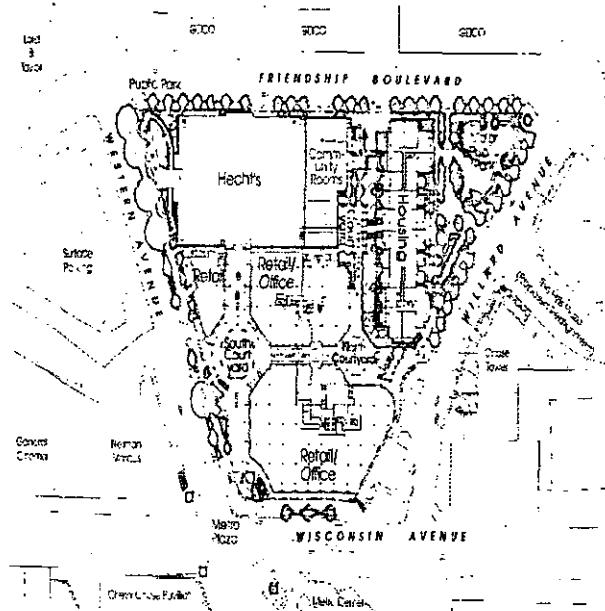
### OVERVIEW OF THE PROCESS

- ❑ Staff Evaluation
- ❑ The Planning Board public hearing

### INITIAL FILING

The process begins when an applicant files a site plan. The site plan will likely be based on an approved preliminary plan of subdivision or a project plan.

Prior to filing a site plan, the applicant must receive approval of a stormwater management concept plan by the Montgomery County Department of Permitting Services and approval of a natural resources



inventory by the Department of Park and Planning.

### PUBLIC NOTICE

An applicant must send a written notice about the requested site plan and a copy of the plan to adjacent and confronting property owners.

The Development Review Division of the Department of Park and Planning sends a written notice and a copy of the proposed plan to appropriate citizens associations and homeowners associations that are listed with the Planning Board.

### STAFF EVALUATION

A staff member of the Development Review Division is assigned to analyze, evaluate and coordinate the review of the proposed site plan.

The staff member receives input from the Department's environmental, community-based planning, and transportation staffs, and the Development Review Committee (DRC). The DRC is an interagency task force composed of representatives from public agencies and utilities such as WSSC, PEPCO, the State Highway Administration, and the County Departments of Permitting Services, Environmental Protection, and Public Works and Transportation. The DRC meets in regularly scheduled sessions that are open to the public but are not public hearings.

Upon request, staff will meet with community representatives to discuss relevant issues. To schedule a meeting concerning a site plan, please contact the Development Review Division at 301-495-4595.

The assigned staff member prepares recommendations that are presented to the Planning Board as part of the public hearing on the proposed site plan.

### PUBLIC HEARING

The Development Review Division mails notice of the date of the public hearing to all persons and associations who received the original notice, as well as other parties who have so requested in writing. The Planning Board's public hearing includes the staff presentation, the applicant's case, testimony from affected property owners and citizen associations, and other interested individuals or groups.

Planning Board members may not discuss any issue about a proposed site plan outside of the public hearing.

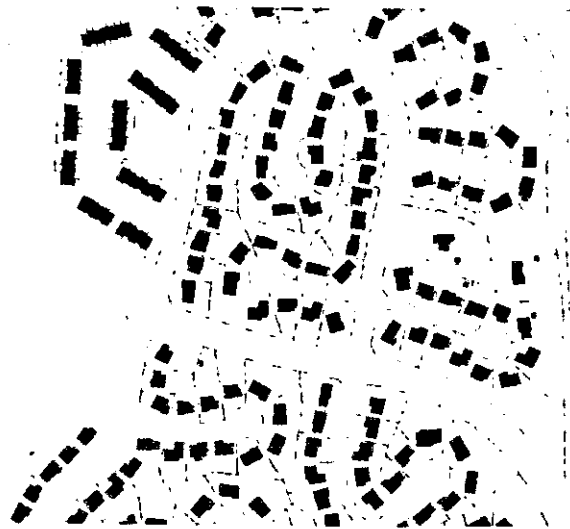
The Planning Board may approve, approve with conditions or deny a site plan.

### EFFECTIVE PARTICIPATION

#### COMMUNITY COORDINATION

You should contact your neighbors and your area citizens association. Discussion of mutual problems, concerns, and issues involved with a proposed site plan is a basic first step. Informal community meetings are a good way to reach agreement, to assign tasks, and to coordinate a response to a site plan.

Meeting with the applicant is encouraged to discuss the proposed site plan to provide basic information and to clarify issues.



Information Office at 301-495-4610 to learn how the subdivision process works, the timing of staff evaluation, and the proposed date of the Planning Board's public hearing.

For a more detailed discussion of issues related to the proposed subdivision, you can contact the staff member assigned to review the case at 301-495-4595. When calling please refer to the application number.

## RESPONSES TO A PROPOSED PLAN

Normally, an applicant for subdivision approval will respond to staff's evaluation or issues raised by the Development Review Committee by submitting a revised subdivision plan.

If the staff reviewer decides that the proposed revisions are significant, the applicant may be directed to send copies of the revised plan to the same adjacent and confronting property owners and citizen associations that received copies of the original plan.

Interested persons should contact the Information Office at 301-495-4610 to periodically check on the

status of the staff evaluation and on whether an applicant has filed a revised plan. Comments, questions, and issues related to a revised plan can be submitted in writing or may be personally brought to the attention of the staff reviewer.

Residents and associations can and should submit written comments reflecting their issues and views on the original subdivision plan and all revised plans to:

M-NCPPC  
Development Review Division  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Making your views in writing known to the staff and Planning Board is a basic and essential way to effectively participate in the process.

The written comments received from residents and associations will be distributed to the Planning Board prior to the public hearing.

## RELEVANT ISSUES

The basic issues and decisions in both phases of the subdivision process do not relate to whether a particular property can be developed. The subdivision process regulates the extent and timing of development because the land in question is already in the appropriate zoning classification.

Among the relevant issues that residents and associations can and should submit written comments are:

- ☐ the proposed subdivision's relationship to adjacent properties and the neighborhood
- ☐ whether existing and programmed public facilities are adequate to support and service the proposed subdivision (decisions on the adequacy of school capacity are made by the County Council, not by the Planning Board).

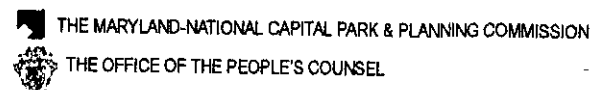
- ☐ the environmental impacts of the proposed subdivision
- ☐ traffic impact, circulation, and access
- ☐ types and nature of buffers that are included in the proposed subdivision
- ☐ proposed building set backs from existing buildings that abut the proposed subdivision
- ☐ what provisions of the applicable master plan are important in the review of the proposed subdivision
- ☐ nature, extent, and sufficiency of on-site and off-site road improvements to be provided by the applicant
- ☐ areas to be dedicated for schools, parks, and open space areas

Effective citizen participation in the subdivision process requires a continuous effort that involves time and initiative.

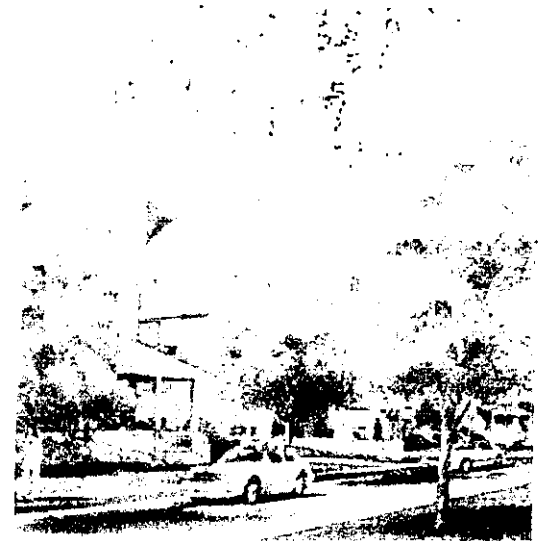
For more detailed information about the subdivision process and the County's land use control procedures and requirements, you should review the book Everything you always wanted to know about... Planning, Zoning and Subdivision in Montgomery County, Maryland, which is available for purchase at the information counter at the Department of Park and Planning located at 8787 Georgia Avenue in Silver Spring.

Assistance in developing and presenting relevant issues that reflect the viewpoint of the neighborhood in which the requested subdivision is located is available through:

The Office of the People's Counsel  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 226  
Rockville, Maryland 20850  
240-777-9700



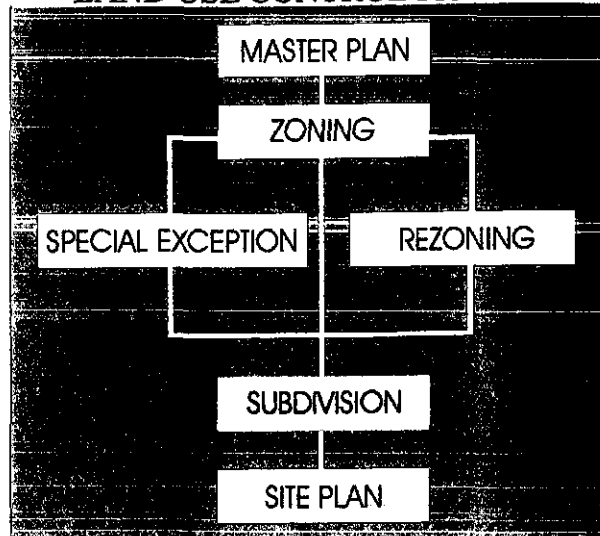
# How to participate effectively in the subdivision process in Montgomery County, Maryland



M-NCPPC Department of Park and Planning  
Montgomery County, Maryland

Office of the People's Counsel  
Montgomery County, Maryland

## MONTGOMERY COUNTY LAND USE CONTROL PROCESS



The subdivision process is the division of a tract of land into building lots, streets, and open space.

In this process, The Montgomery County Planning Board must determine whether a proposed subdivision satisfies the recommendations of the area Master Plan, requirements of the Zoning Ordinance, Subdivision Regulations, Annual Growth Policy, the Adequate Public Facilities Ordinance, and the Forest Conservation Regulations. Prior to Planning Board approval, the Montgomery County Department of Permitting Services must approve a stormwater management concept plan for the proposed development.

During this process the public is able to evaluate the effects of a proposed subdivision on their neighborhood. This brochure has two objectives:

- ❑ to promote better understanding of the subdivision process
- ❑ to explain how the public can participate effectively in the process

## OVERVIEW OF THE PROCESS

### INITIAL FILING

The process begins when an applicant files either a Pre-Preliminary Subdivision Plan or a Preliminary Subdivision Plan for review and approval.

### THE PRE-PRELIMINARY PLAN PROCESS

- ❑ submitted at the option of the applicant
- ❑ is filed to get advice from staff and sometimes the Planning Board
- ❑ a public hearing is necessary if plan is to be considered by the Planning Board
- ❑ after consideration by the Planning Board, the preliminary plan is the next step.

### THE PRELIMINARY PLAN PROCESS

- ❑ a Planning Board public hearing is required
- ❑ the Planning Board may approve, approve with conditions, or deny the application
- ❑ Planning Board approval is needed before a Record Plat can be filed and a building permit issued

### PUBLIC NOTICE

An applicant is required to send a written notice about the requested subdivision and a copy of the plan to adjacent and confronting property owners.

The Development Review Division of the Department of Park and Planning sends a written notice and a copy of the proposed plan to appropriate citizens associations and homeowners associations that are listed with the Planning Board.

In the case of a Cluster Subdivision, which allows more flexible development standards such as smaller lots, the applicant must additionally post a sign on the property.

## PHASES OF THE SUBDIVISION PROCESS

The process is composed of two basic phases:

- ❑ Staff Evaluation and Analysis
- ❑ Planning Board's Public Hearing

A resident, neighborhood, or citizens association can effectively participate in the subdivision process by becoming actively involved in each of the two phases.

### STAFF EVALUATION

A staff member of the Development Review Division of the Department of Park and Planning is assigned to analyze, evaluate, and coordinate the review of the proposed Subdivision Plan.

The staff member receives input from the Department's environmental and transportation staffs, and the Development Review Committee (DRC). The DRC is an interagency task force composed of representatives from public agencies and utilities such as WSSC, PEPCO, the State Highway Administration, and the County Departments of Permitting Services, Environmental Protection, and Public Works and Transportation. The DRC meets in regularly scheduled sessions that are open to the public but are not public hearings.

Upon request, staff will meet with community representatives to discuss relevant issues. To schedule



a meeting, please contact the Development Review Division at 301-495-4595.

The assigned staff member prepares recommendations that are presented to the Planning Board as part of the public hearing on the proposed Subdivision Plan.

### PUBLIC HEARING

Notice of the public hearing is mailed by staff of the Development Review Division to all persons and associations who received the original notice, as well as other parties who have expressed an interest. The Planning Board's public hearing includes the staff presentation, the Applicant's case, and testimony from affected property owners and citizens associations.

No person involved in the subdivision process may discuss any issue about a proposed subdivision off the public record with a member of the Planning Board.

### EFFECTIVE PARTICIPATION

### COMMUNITY COORDINATION

You should contact your neighbors and your area citizens association. Discussion of mutual problems, concerns, and issues involved with a proposed subdivision is a basic first step. Informal community meetings are a good way to reach agreement, assign tasks, and coordinate a response to a subdivision proposal.

Meeting with applicant is encouraged to discuss the proposed subdivision, to provide basic information and to clarify issues.

### STAFF ASSISTANCE

You may call the Development Review Division's

# **MONTGOMERY COUNTY'S OFFICE OF THE PEOPLE'S COUNSEL**

- Do you know what to do if a special exception or a variance is requested in your neighborhood?
- Do you know what to do if a rezoning application is requested in your neighborhood?
- Do you know what to do if a subdivision or site plan is filed in your neighborhood?

The Montgomery County Council has established the Office of the People's Counsel to help you understand and participate effectively in hearings on land use decisions in your neighborhood.

The People's Counsel will provide you with technical assistance to help you understand the process so that you can present your case effectively in public hearings held by the Board of Appeals, the Office of Zoning and Administrative Hearings, and the Planning Board.

Additionally, the People's Counsel will participate in land use hearings to protect the public interest by ensuring that the hearing addresses all relevant issues.

If the People's Counsel participates in a hearing, the People's Counsel can appeal to court a decision of the County Council, Board of Appeals, or Planning Board.

The People's Counsel would like to address your organization. Please call the number below to arrange a meeting.

If you have any questions or need assistance, please call us at  
**240-777-9700.**

**Martin Klauber  
People's Counsel  
100 Maryland Avenue, Room 226  
Rockville, Maryland 20850  
240-777-9700**



**Office  
of the  
People's  
Counsel  
  
Montgomery  
County  
Maryland**



**Martin Klauber  
People's Counsel  
100 Maryland Avenue, Room 226  
Rockville, Maryland 20850  
240-777-9700**

## A RESIDENT'S GUIDE TO Historic Preservation in Montgomery County

8787 Georgia Avenue, Silver Spring, MD 20910, 301-495-4600, TTY 301-495-1331, [www.mc-mncppc.org](http://www.mc-mncppc.org)

This is one in a series of Resident's Guide brochures designed to help you understand the historic preservation, land use planning, zoning, and subdivision and site plan processes in your Montgomery County community.



Woodlawn Manor House

The Maryland-National Capital Park and Planning Commission (M-NCPPC) and its Montgomery County Planning Board value your input and encourage your participation in our processes. (See *A Resident's Guide to Public Participation in Land Use Decisions in Montgomery County* brochure.) We hope you will find the information useful in learning how to present your views effectively and contribute positively to the historic resources and future of your neighborhood and your County.

### HISTORY

State law recognizes that preserving historic resources throughout Maryland is a public goal and is in the public interest. In 1979, Montgomery County moved to establish permanent tools for protecting and preserving its historic and architectural heritage by adopting a *Master Plan for Historic Preservation* and enacting a Historic Preservation Ordinance (Chapter 24A of the Montgomery County Code).

### HISTORIC PRESERVATION COMMISSION

The Historic Preservation Ordinance created the Montgomery County Historic Preservation Commission (HPC). Its many duties include researching and evaluating historic resources and historic districts according to specified criteria, and reviewing proposed exterior changes to sites and districts that have achieved historic status. HPC's nine members are appointed by the County Executive and confirmed by the County Council. Supporting the HPC are architectural historians and architects in M-NCPPC's Historic Preservation Section. The HPC meets twice a month, usually on the second and fourth Wednesdays in the evenings.

#### **HPC meetings are always open to the public.**

If you have an interest in a property being considered for designation, or have applied for a Historic Area Work Permit (HAWP) [see page 2], you are encouraged to attend the HPC meeting so you can answer questions and provide input. For information on specific meeting times and agendas, call staff at 301-563-3400.

## HISTORIC PRESERVATION PROCESS AND THE PLANNING BOARD

The Planning Board plays an integral role in the process of evaluating properties for historic designation. Each designation is an amendment to the *Master Plan for Historic Preservation*. Each amendment strives to respect and balance property owners' emotional, practical, and economic needs with the important public goal of preserving our shared heritage for future generations.

In 1976, M-NCPPC surveyed the entire County and developed a list of properties that may have historic significance. This list was published as the *Locational Atlas and Index of Historic Sites*.

Since 1979, the HPC has been systematically going through the *Locational Atlas* and doing detailed research on each resource and district which was flagged as potentially significant. The HPC evaluates each resource or district to determine if it meets Historic Preservation Ordinance criteria for historical, cultural, or architectural significance that would warrant its protection. A public hearing is held to get input from the property owner and the community about the historicity of each building considered for potential designation. The HPC then develops recommendations on historic designation which are forwarded to the Montgomery County Planning Board in the form of a Public Hearing (Preliminary) Draft Amendment to the *Master Plan for Historic Preservation*.

The designation process for historic sites and districts then follows the regular procedures of all master plans and amendments (see *A Resident's Guide to the Land Use Master Planning Process*).

After Planning Board, County Executive, and County Council review (including public hearings before the Planning Board and County Council), a property is either placed on the *Master Plan for Historic Preservation* and protected by the Historic Preservation Ordinance, or it is removed from the *Locational Atlas*. Please note that the County Council makes the final decision on all designations. Because of the multiple opportunities for public participation in the designation process, this process can take many months.

Owners and others may also nominate properties for historic designation, which were not included on the original *Locational Atlas*. To do this, the nominator must provide the HPC with thorough, documented research on a completed Maryland Historical Trust Inventory Form. The HPC will evaluate this material and hold a public hearing so others may participate in the designation process. Call staff at 301-563-3400 for more information about nominating properties for designation.

## HISTORIC AREA WORK PERMITS (HAWP)

Once a resource or district is designated on the *Master Plan for Historic Preservation*, the property owner must obtain a Historic Area Work Permit (HAWP) for any proposed changes to the exterior of structures or to the environmental setting of the site or district. This includes moving, demolishing, or altering the exterior of a house, building, or other structure listed on the *Master Plan for Historic Preservation*, or located in a *Master Plan* historic district. Changes not seen from the street still require review. A HAWP is also required for new construction, grading, and removing live trees greater than six inches in diameter.

Some of the work for which you need a HAWP includes: construct additions; remove or enclose porches; install siding, shingle or masonry facing, or



other changes to exterior materials; replace a window sash with a new sash; permanently remove shutters; add, remove or change architectural features, including size, shape, and placement of windows; paint or remove paint from masonry.

However, historically designated structures or sites are not frozen in time. Changes are regularly permitted. New construction in historic districts is permitted and need not be in a replicative historic style. In addition, historic designation does not require you to initiate any type of historic restoration. The HPC cannot require you to re-install historic features if they were not there when you acquired the property or when the property was first designated historic. For example, even if your home had a metal roof sometime in the past, you can replace an existing fiberglass shingle roof with a new one of any color. And you can paint your home any exterior or interior colors you want. The HPC has no say in color selection and only gets involved with exterior features.

Other changes to historic properties or sites that do not require HPC involvement are:

- ☐ interior work
- ☐ gardening
- ☐ customary farming operations
- ☐ ordinary exterior maintenance (painting non-masonry surfaces, roof repairs, gutters, trim lights, etc., with materials and design matching what is already in place)
- ☐ landscaping
- ☐ paving repairs with matching materials, and performing general maintenance, as long as the work does not alter exterior features.

If you are not sure whether a project you are planning requires HPC approval, call staff at 301-563-3400 to help you preserve a part of our County's history.



Oakley Cabin

In acting on HAWP applications, the HPC follows the requirements of the Historic Preservation Ordinance, any applicable guidelines that apply specifically to the historic district in question and the *Standards for Rehabilitation* issued by the U.S. Secretary of the Interior.

If the HPC approves your HAWP application, the Montgomery County Department of Permitting Services (DPS), 255 Rockville Pike, Rockville, 240-777-6260, can issue your building permit. If the HPC denies your application, or sets conditions you do not agree with, you can appeal the decision to the Board of Appeals, 100 Maryland Avenue, Rockville, MD 20850; 240-777-6600.

Besides the HAWP, other additional permits may be required from DPS. You can pick up a HAWP application when you apply for building permits at DPS and have staff there explain the process to you. Throughout the HAWP application process, M-NCPPC staff also is available to answer your questions.

## **HISTORIC PRESERVATION RESOURCES AND INCENTIVES**

Information on the County's preservation program is included on the M-NCPPC website -- [www.mc-mncppc.org/historic](http://www.mc-mncppc.org/historic).

Several county, state and federal government tax benefits and loan programs can help offset the costs you might incur in preserving a property:

- ❑ **County property tax credit** of 10% of the cost of approved exterior maintenance, restoration or preservation of *Master Plan* historic structures.
- ❑ **Low interest loans for rehabilitation and restoration** available through the Montgomery County Department of Housing and Community Affairs, 240-777-3600, if you meet income qualifications.
- ❑ **Maryland state income tax credit** of 25% for approved restoration work (interior, exterior, structural, mechanical), on structures that have been locally designated as individual historic sites or districts or in the National Register of Historic Places.
- ❑ **Federal tax credit** of 20% of the cost of approved rehabilitation of income-producing residential, commercial, and industrial properties listed in the National Register of Historic Places.

M-NCPPC's historic preservation staff can provide information to you on all of these programs if you call them at 301-563-3400, or fax 301-563-3412, or write to:

Historic Preservation Commission  
of Montgomery County



### **The Maryland-National Capital Park and Planning Commission**

8787 Georgia Avenue,  
Silver Spring, Maryland 20910  
301-563-3400  
[www.mc-mncppc.org](http://www.mc-mncppc.org)

The intent of this brochure is to help you understand the processes and requirements of the Historic Preservation Ordinance. If, because of the attempt to simplify the language, there are any inconsistencies between the descriptions in this document and the law as written, the law prevails.

M-NCPPC encourages the participation of all individuals in its programs and services. For accommodations, please call 301-495-4600, TTY 301-495-1331, or the Maryland Relay Service, 1-800-735-2258, for people with hearing impairments.

**January 2004**

# Zoning of Land in Montgomery County

8787 Georgia Avenue, Silver Spring, MD 20910, 301-495-4600, TTY 301-495-1331, [www.mc-mncppc.org](http://www.mc-mncppc.org)

This brochure, one of a series, introduces you to the concept of zoning and how it is used in Montgomery County, Maryland. The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission invites residents to participate in the planning process, which includes the zoning process.

In this brochure, you will learn:

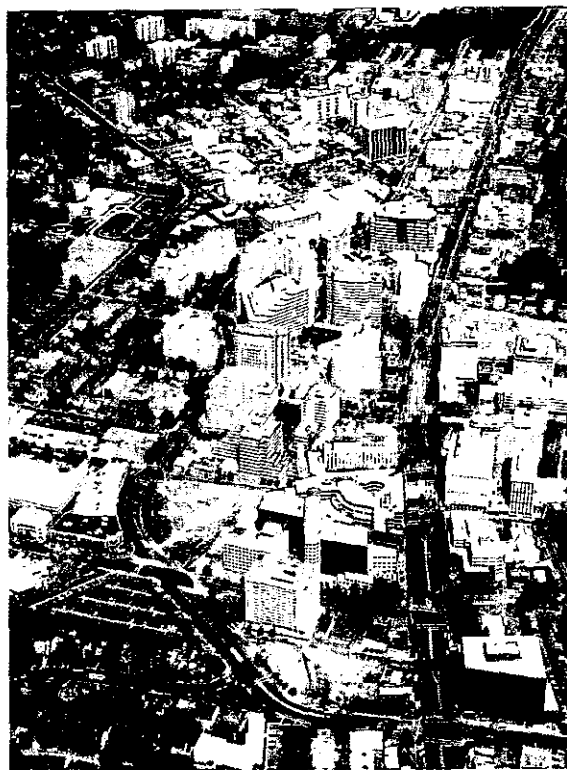
- ☐ why zoning of land is important to you
- ☐ the relationship between master plans and zoning
- ☐ about the Zoning Ordinance, where you can read or purchase a copy
- ☐ the role of the Planning Board in zoning
- ☐ how houses of worship fit into zoning
- ☐ the two basic types of zoning – Euclidean and Floating – and how they differ
- ☐ how zoning is changed
- ☐ what are special exceptions and mandatory referrals

*Zoning of land is important to residents of the County because it is a legal tool used by local government to regulate the use of private property for the purposes of protecting public health, safety, and welfare. Zoning is also used to foster orderly development patterns and to implement the planning policies established by the General Plan, area master plans and related functional plans. In Montgomery County, the County Council exercises this power.*

**The Montgomery County Council**, also known as the District Council on land use and zoning matters:

- ☐ establishes the Planning Board work program and approves its budget
- ☐ approves area and functional master plans
- ☐ **regulates zoning and land uses in the County, except in the seven municipalities of Barnesville, Brookeville, Gaithersburg, Laytonsville, Rockville, Poolesville, and Washington Grove**

See companion *Resident's Guide* brochures on the *Land Use Master Planning Process*, *Subdivision Process*, and *Site Plan Process*.



## MASTER PLANS AND ZONING

The link between planning and zoning is critical. Zoning controls are based on sound planning principles as set forth in adopted and approved plans. Although the recommendations in **master plans** shape communities by recommending the type and density of land use, or propose a desirable zone for a particular tract of land, these recommendations can be implemented only through the zoning process.

Zoning is the *tool* that local government uses to implement master plan recommendations and is a legislative action that can be taken only by the County Council. With zoning, local government imposes specified conditions regulating the development and use of a particular parcel or parcels of land.

## THE ZONING ORDINANCE

The **Zoning Ordinance**, adopted by the County Council, defines and describes various zones and specifies detailed procedures governing a change of zoning. The Zoning Ordinance:

- ❑ describes and lists all the zones and the uses that are **permitted** as a matter of right in each zone
- ❑ establishes **standards** for each zone that limit density, the location of structures, building heights, setbacks from property lines, and other requirements
- ❑ sets forth the procedures to change the zones (**rezoning**)
- ❑ identifies different **development methods** allowed in residential zones and numerous development options available for use in commercial and industrial zones
- ❑ describes **special exception** uses that may be allowed in certain zones, but that require review and approval before use
- ❑ describes **variances** that relieve a property owner from specified zoning requirements or standards if the property owner can demonstrate that strict application of the zoning regulations would result in practical difficulties or undue hardship because of exceptional conditions of shape, topography, or other situations peculiar to the property

The Zoning Ordinance is an evolving document. It is frequently updated and changed when the County Council adopts **zoning text amendments**. The changes can be minor, such as correcting typographical or editorial errors, or they can be major, such as creating a new zone, adding new exceptions and exemptions to the regulations, or removing them.

You may **purchase the Zoning Ordinance** through the Montgomery County Office of the County Attorney, 101 Monroe Street, Third Floor, Rockville, 240-777-6700. A paper copy or a CD-ROM copy is available, or both for a discounted price.

In addition, **reference copies** of the Zoning Ordinance and its updates are sent to all County public libraries. The Zoning Ordinance may also be viewed or retrieved **on-line** at [www.amlegal.com](http://www.amlegal.com) and is accessible via Montgomery County's home page: [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov) under "Charter and County Code."

## THE PLANNING BOARD'S ROLE IN ZONING

The **Montgomery County Planning Board**, composed of five citizen members appointed by the County Council, is the County Council's principal adviser on land use, community planning, and

zoning issues. Among its activities, the Planning Board:

- ❑ recommends to Council members which **new master plans or amendments to master plans** they should review and prepare
- ❑ develops, in an **extensive public process**, functional plans and area master plans and transmits a final draft to Council for additional public review and approval
- ❑ as the final arbiter, implements the subdivision and site plan review processes to ensure that proposed development complies with the requirements of the applicable zone
- ❑ reviews and makes recommendations to the Council on rezoning cases
- ❑ reviews or prepares **amendments to the text of the Zoning Ordinance and Subdivision Regulations**, which are forwarded to the Council for action
- ❑ **acting in an advisory capacity**, offers comments and recommendations on land use and community planning implications to:
  - **the Board of Appeals, which makes the final decision on special exception and variance applications**
  - other government agencies on **mandatory referrals** for facilities on government-owned land in Montgomery County

For more information about the Planning Board and its authority and functions, see the companion brochure, *A Resident's Guide to the Park and Planning Commission in Montgomery County*.

## To contact the Planning Board

Write: Chairman

Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Call: 301-495-4605

Fax: 301-495-1320

E-mail: [MCP-Chairman@mncppc-mc.org](mailto:MCP-Chairman@mncppc-mc.org)

## HOUSES OF WORSHIP

It is important to note that **houses of worship** are *permitted by right* in most zones if they meet the requirements of the zone, such as building height (steeple is exempt from height limits), setbacks, parking, etc. However, houses of worship must apply for and receive subdivision approval from the Planning Board and are subject to the Adequate Public Facilities Ordinance.

## TYPES OF ZONING

There are two basic types of zoning:

1. **Conventional or Euclidean Zones;** and
2. **Floating Zones.**

### 1. Conventional (Euclidean) Zones

Conventional zoning or Euclidean Zoning is the oldest type of zoning dating back to 1926 when the town of Euclid, Ohio had the nation's first comprehensive zoning ordinance upheld by the U.S. Supreme Court. It is often easier to develop land under a Euclidean Zone because it:

- contains fixed standards
- permits certain land uses by right, as long as prescribed standards such as lot size, building height, and setbacks from other buildings and property lines are met.

Once standards and requirements are satisfied, the Department of Permitting Services, 250 Hungerford Drive in Rockville 240-777-6200, issues a permit and construction can begin.

Euclidean Zones fall into four categories: **residential, commercial, industrial, and agricultural.**

In **residential zones**, housing ranges from single-family detached houses on lots of varying sizes to high-rise apartments with varying densities is permitted.

**Commercial zones** provide for retail, office, or service-commercial development.

Light and heavy **industrial zones** permit a range and intensity of employment and industrial uses. Heavier industrial uses often are located together in an industrial area.

**Agricultural zoning** was developed to preserve the thousands of acres of agricultural land still existing in the County. In particular, the *Rural Density Transfer (RDT) Zone* is designed to preserve agricultural land in the County by allowing development rights to be transferred to certain non-agricultural areas, identified in master plans as "receiving areas."

(For more details, see the booklet entitled, *Plowing New Ground: Agricultural Preservation in Montgomery County*, available from the Planning Board's Information and Publications Section at 8787 Georgia Avenue, Silver Spring), 301-495-4610.

### 2. Floating Zones

**Floating zones** are a more flexible approach to zoning regulation that encourages creativity of design, permits specialized land development, and provides more flexibility in standards and requirements than the Euclidean zones. In exchange for the greater flexibility of standards, an applicant must allow the Planning Board to make a detailed site plan review that takes into account how compatible the proposed development is internally to the site and externally to the surrounding area.

To approve a floating zone, the County Council must find the proposed rezoning to be compatible with surrounding uses and in accord with the expressed purposes and other requirements of the zone, as well as the General Plan. While all floating zones have site plan review by the Planning Board, not all Euclidian zones do. The traditional finding of change or mistake required for the grant of a Euclidian zone is not required for a floating zone.

There are many types of floating zones in the Montgomery County Zoning Ordinance that require varying levels of commitment by the applicant prior to receiving final permission to develop. They are basically divided into two types: a) Development plan zones and b) Non-development plan zones.

## CHANGING ZONING

The process of changing zoning may be initiated either by the property owner or by the government and is implemented through a:

- **local zoning map amendment** which is requested by a property owner for a single parcel of land; or
- **sectional zoning map amendment**, comprehensive zoning initiated by the District Council, which has full authority and

responsibility for all rezoning decisions that cover a designated area. A **District Map Amendment** is a comprehensive zoning for the entire Maryland-Washington Regional District in Montgomery County.

To apply for a local zoning map amendment:

- ❑ The developer or property owner must submit an application to the Montgomery County Hearing Examiner, who is appointed by the County Council.
- ❑ The application is sent to the Planning Board to review and take residents' comments as part of its regular public meeting.

The Hearing Examiner reviews the application, as well as the Planning Board's and its staff's recommendations, and holds a public hearing to gather residents' input.

- ❑ After the public hearing, the Hearing Examiner forwards a recommendation and the Planning Board's and its staff's recommendations to the County Council.

The County Council conducts a public meeting to approve, deny, remand for further information, dismiss or allow the application to be withdrawn.

- ❑ The applicant of an approved Council rezoning must return to the Planning Board again for the subdivision and site plan review process, if applicable (see *How to Participate Effectively in the Subdivision Process* brochure).

### SPECIAL EXCEPTIONS

The Zoning Ordinance identifies uses as Special Exceptions in certain zones, which means they are only permitted in the given zone after additional review. The applicant applies for a **special exception** to the Board of Appeals, which reviews, then approves or denies, applications on a case-by-case basis, after receiving an advisory recommendation from the Planning Board and the Hearing Examiner, both of which hold public hearings. After a special exception application is approved, as long as the use of the property and adherence to the conditions of approval are maintained, the special exception can continue. The special exception then "runs with the land" even if the property's ownership changes.

For details, contact the **Board of Appeals**, 100 Maryland Avenue, Rockville; 240-777-6600.



### MANDATORY REFERRALS

State law (Article 28) authorizes the Planning Board to advise government agencies on proposed land use changes and development on federal, state, and county-owned land through a **mandatory referral** process. With input from the public and its staff, the Planning Board makes recommendations to government agencies, such as the Montgomery County Public Schools, Department of Public Works and Transportation, the State Highway Administration, etc., on public projects such as schools and libraries.

When changes are proposed for **federal land** located in Montgomery County, the Planning Board reviews proposed development and sends advisory comments to the National Capital Planning Commission (NCPC), 801 Pennsylvania Avenue, Washington, D.C.; 202-482-7200. For details, refer to *A Resident's Guide to Mandatory Referral Review of Public Land Uses*.

**The Hearing Examiner** in the Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Rockville, 270-777-6660; hears zoning cases and compiles an official record for review by the County Council.



### The Maryland-National Capital Park and Planning Commission

8787 Georgia Avenue, Silver Spring, MD 20910  
301-495-4600

[www.mc-mncppc.org](http://www.mc-mncppc.org)

M-NCPPC encourages the participation of all individuals in its programs and services. For accommodations, please call 301-495-4600, TTY 301-495-1331, or the Maryland Relay Service, 1-800-735-2258, for people with hearing impairments.

January 2004

## Public Participation in Land Use Decisions in Montgomery County

8787 Georgia Avenue, Silver Spring, MD 20910, 301-495-4600, TTY 301-495-1331, [www.mc-mncppc.org](http://www.mc-mncppc.org)

This is one in a series of brochures designed to help you understand and participate in the Planning Board's planning, zoning, subdivision, and site plan processes for your community.

Montgomery County residents provide invaluable input to the Planning Board's decision-making process. Whether the decision is on a new subdivision or site plan, or recommendations on a master plan, proposal for a special exception land use, or a new park, the Board's rules, procedures, and practices encourage the consideration of your views received in person at public hearings, by mail, telephone, fax, or e-mail.

In this brochure, we cover:

- ☐ contacting the Planning Board
- ☐ Planning Board members
- ☐ open meetings
- ☐ getting information about items to be reviewed by the Board
- ☐ attending/speaking at Public Hearings and meetings
- ☐ time guidelines for speakers at Public Hearings and meetings
- ☐ issues under the jurisdiction of other agencies

### CONTACTING THE PLANNING BOARD



Mail: 8787 Georgia Avenue, Silver Spring, MD 20910  
Phone: 301-495-4605, Fax: 301-495-1320  
TTY: for those with hearing impairments, 301-495-1331  
E-mail: [mcp-chairman@mncppc-mc.org](mailto:mcp-chairman@mncppc-mc.org)

### PLANNING BOARD MEMBERS

Derick P. Berlage, Chairman  
Wendy C. Perdue, Vice Chair  
Allison Bryant, Commissioner  
John M. Robinson, Commissioner  
Meredith K. Wellington, Commissioner

### OPEN MEETINGS

The Montgomery County Planning Board is a public body, so its activities are governed by strict requirements of the State and County "sunshine laws," which require open sessions for all meetings with certain prescribed exceptions. The Planning Board generally meets each Thursday and occasionally on other days in its auditorium at 8787 Georgia Avenue, Silver Spring, MD 20910. You are welcome to attend.

All meetings are open to the public. For information, or to be added to the Planning Board's weekly agenda mailing list, please call the Community Relations Office at 301-495-4600, TTY 301-495-1331, the Maryland Relay Service 1-800-735-2258, or check the Commission's web site at [www.mc-mncppc.org](http://www.mc-mncppc.org).

### A CHECKLIST FOR TESTIFYING AT MONTGOMERY COUNTY PLANNING BOARD MEETINGS

The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission (M-NCPPC) welcomes and encourages public participation in all issues before it and offers the following suggestions for testimony. Determine:

- ☐ The need to testify
- ☐ How to prepare testimony
- ☐ How and when to testify

## CHECKLIST...START EARLY!

### Check out potential land use changes in your neighborhood that might affect you:

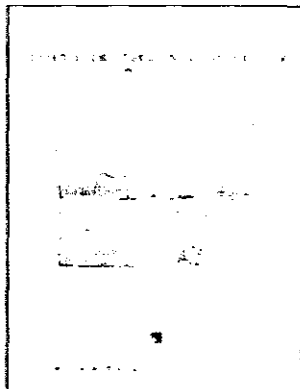
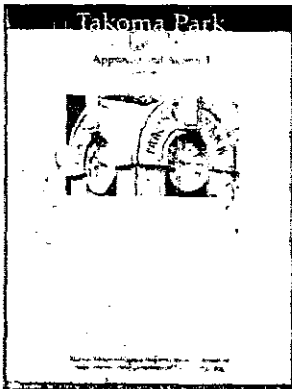
- ☐ A subdivision plan
- ☐ A rezoning proposal
- ☐ A special exception request
- ☐ A master plan revision
- ☐ A road widening

### Follow up on it:

- ☐ Call the person or number identified in the notice
- ☐ Find out the facts; check with agency staff, others
- ☐ Ask staff how to be most effective
- ☐ Check the Montgomery County Zoning Ordinance (available in the Rockville Library and at M-NCPPC's Information and Publications Section, 8787 Georgia Avenue Silver Spring, MD 20910)

### Check out the zoning of a property and the Master or Sector Plan for future development of your area:

Call the Information and Publications Section, 301-495-4610, at 8787 Georgia Avenue, second floor, Silver Spring, MD. Public libraries may have a reference copy of area Master Plans or Sector Plans for your review, or check it out online at [www.mc-mncppc.org](http://www.mc-mncppc.org).



**Contact the County's Office of the People's Counsel** to provide you with technical assistance to help you understand the process and present your case in public hearings on land use decisions in your neighborhood that may be held by the Board of Appeals, the Office of Zoning and Administrative Hearings, and the Planning Board. Contact the People's Counsel, 100 Maryland Avenue, Room 226, Rockville, Maryland 20850; 240-777-9700.

### Discuss issues with all the parties:

- ☐ Planning staff
- ☐ Applicant/developer
- ☐ Your community association
- ☐ Your neighbors
- ☐ Narrow down areas of disagreement
- ☐ Offer positive suggestions

## WHO MAKES FINAL DECISION?

**Determine who makes the final decision** on your case and prepare accordingly. In all cases in which the Planning Board does not make the final decision, the decision makers carefully consider the **advisory** recommendations of both the Planning Board and its staff. The decision-making authorities also recognize that citizen participation in the Planning Board's hearings provides important information.

### Regulatory Items—*Planning Board makes the final decision.*

- ☐ Preliminary plans of subdivision/resubdivision
- ☐ Site plan review
- ☐ Optional Method project review in Central Business District (CBD) and Residential Mixed Use (RMX) Zones
- ☐ Park acquisition and development
- ☐ Under *ex parte*, the law prohibits Board members from discussing regulatory items with anyone outside of the public hearing
- ☐ Planning Board holds public hearing to accept testimony, discusses, and takes final action

### Master Plans, Sector Plans and Functional Master Plans—*County Council makes the final decision.*

- ☐ Planning Board staff prepares a draft plan
  - ☐ Planning Board holds public hearing, accepts testimony, holds worksessions, and recommends Planning Board (Final Draft) Plan
  - ☐ County Executive reviews, transmits comments and fiscal impact analysis to County Council
  - ☐ County Council holds a public hearing and worksessions, amends, and approves plan
  - ☐ Commission adopts approved plan
- (See *A Resident's Guide to Land Use Master Planning Process in Montgomery County* brochure for details.)

### Park Plans—*Planning Board makes the final decision.*

- ☐ Staff designs a schematic plan
- ☐ Public is invited to a community meeting to learn about the plan and provide input into the design
- ☐ Staff introduces revised plan to Planning Board
- ☐ Board holds public hearing to accept testimony, holds worksessions, and takes final action



**Rezoning Applications**—*County Council makes the final decision.*

- ☐ Planning Board holds public hearing to accept testimony and recommends to Hearing Examiner
- ☐ Hearing Examiner holds public hearing, recommends to County Council
- ☐ County Council makes the final decision

**Zoning Ordinance Text Amendments (ZTA)**—*County Council makes the final decision.*

- ☐ Planning Board holds public hearing to accept comments
- ☐ County Council holds public hearing
- ☐ County Council makes the final decision

**Special Exception Land Uses and Variance requests**—*Board of Appeals makes the final decision.*

- ☐ Planning Board holds public hearing to accept testimony and recommends to the Board of Appeals
- ☐ Hearing Examiner holds a public hearing
- ☐ Board of Appeals makes the final decision



**Planning Board's Mandatory Referral Review of Projects on Public Land** — *County, State, or federal agency involved makes the final decision.*

- ☐ Referrals are made by government agencies on public land use projects in Montgomery County, including schools
- ☐ Planning Board holds public hearing to accept testimony and approves or disapproves the mandatory referral, offering advisory recommendations on land use issues
- ☐ County, State, or federal applicant agency (or National Capital Planning Commission for federal projects) makes the final decision

**ATTENDING THE  
PLANNING BOARD HEARING**

- ☐ Review final questions with staff
- ☐ Check hearing date and decision maker
- ☐ Check Planning Board agenda (online [www.mc-mncppc.org](http://www.mc-mncppc.org) or mailed weekly) for approximate time of hearing, or call 301-495-4600, TTY 301-495-1331 or the Maryland Relay Service 1-800-735-2258 for people with hearing impairments

**Submit written testimony in advance, appear in person or both:**

- ☐ Follow "Time Guidelines" for Speakers (see next page)

**Coordinate your testimony with your neighbors or community association:**

- ☐ Have one or two spokespersons
- ☐ Be positive, support what you like
- ☐ Oppose what you consider detrimental; suggest alternatives

**Speak on your own behalf if you are the only one affected or interested.**

**Procedures for regular Planning Board meetings:**

- ☐ Please fill out speaker's form at the rear of the auditorium
- ☐ Give it to the Community Relations staff on the left at the Planning Board table
- ☐ If you have written testimony, hand in 10 copies
- ☐ Note the number on the small flip chart that indicates the agenda item the Board is considering

**Format for regular Planning Board meetings:**

- ☐ Staff introduces item (report may be written, oral or both)
- ☐ Board asks questions
- ☐ Applicant testifies and responds to staff and the Board
- ☐ Public testifies
- ☐ Applicant may ask for rebuttal time
- ☐ Planning Board discusses and takes action

**For Master Plan, Sector Plan or Functional Master Plan Public Hearings, advertised 30 days in advance:**

- ❑ Get a copy of the Public Hearing (Preliminary) Draft Master or Sector Plan through the Information and Publications Section at the Planning Board's offices at 8787 Georgia Avenue in downtown Silver Spring, 301-495-4610, online at [www.mc-mncppc.org](http://www.mc-mncppc.org), or read a copy that may be in your local library.
- ❑ Call in advance to sign up to testify with the Community Relations Office, 301-495-4600, TTY 301-495-1331 or the Maryland Relay Service, 1-800-735-2258 for people with hearing impairments.
- ❑ Coordinate testimony as stated in "Attending the Planning Board Hearing" on page 3, keep it short and to the point; follow Time Guidelines for Speakers.

**TIME GUIDELINES FOR SPEAKERS**

**For regular Planning Board meetings, including regulatory items:**

- ❑ Staff presentation 10 minutes
- ❑ Applicant presentation 10 minutes
- ❑ Government officials 7 minutes
- ❑ Public Comment
  - ❑ Groups 5 minutes
  - ❑ Individuals 3 minutes

*Time may be ceded to another person, up to 20 minutes, but the people ceding time must be present.*

**For non-regulatory items such as: Master Plans, Sector Plans, Functional Master Plans,**

**Mandatory Referrals and Special Exceptions:**

- ❑ Government/elected officials 7 minutes
- ❑ Groups (citizens or businesses) 5 minutes
- ❑ Individuals 3 minutes

*Time may be ceded to another person, up to 15 minutes for groups and 9 minutes for individuals, but the people ceding time must be present.*

**Issues Under the Jurisdiction of Other Agencies**

Stormwater management, traffic operations, and public schools are frequently raised as issues of concern at Planning Board meetings, even though the Planning Board has limited jurisdiction in these

areas. Residents are encouraged to raise these concerns with the appropriate "lead" agencies:

- ❑ Stormwater management. See Environmental Protection Department, Watershed Management Division, 240-777-7780.
- ❑ Traffic operations (signal lights, stop signs, access or egress onto public roads, etc.). See Montgomery County Department of Public Works and Transportation, 240-777-2190 or Maryland State Highway Administration, 301-513-7300.
- ❑ Public schools. Call Montgomery County Public Schools, 301-279-3000.

Concerns in these areas may be discussed but cannot be resolved by the Planning Board.

*For a more detailed description of the planning process and its many ramifications, ask for the complete set of brochures about zoning, planning, and the subdivision of land in Montgomery County, Maryland, from the Information and Publications Section, 301-495-4610 or online at [www.mc-mncppc.org](http://www.mc-mncppc.org).*



**The Maryland-National Capital Park and Planning Commission**

8787 Georgia Avenue, Silver Spring, MD 20910  
301-495-4600  
[www.mc-mncppc.org](http://www.mc-mncppc.org)

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**January 2004**

## A RESIDENT'S GUIDE TO THE

8787 Georgia Avenue, Silver Spring, MD 20910, 301-495-4600, TTY 301-495-1331, [www.mc-mncppc.org](http://www.mc-mncppc.org)

This is one in a series of brochures designed to help you participate in the land use planning, park planning, zoning and subdivision processes for your Montgomery County community. The Maryland-National Capital Park and Planning Commission (M-NCPPC) and its Montgomery County Planning Board value your input and encourage your participation in their processes. We hope you will find the information useful in learning how to present your views effectively and contribute positively to the future development of your neighborhood and your County.

In this series of brochures, you'll learn:

- ❑ How to prepare your testimony for the Planning Board (see *Public Participation: A Checklist for Testifying*);
- ❑ How to get involved in developing the vision for your community's master plan or sector plan for future development (see *A Resident's Guide to the Land Use Master Planning Process*);
- ❑ Why zoning is important to the development of land (see *A Resident's Guide to Zoning of Land in Montgomery County and Mandatory Referral Review of Public Land Uses*);
- ❑ What the process is for approval of new development (see *How to Participate Effectively in the Subdivision and Site Plan Processes in Montgomery County*);
- ❑ What to enjoy and how to volunteer in our highly acclaimed 32,200-acre park system (see *A Resident's Guide to Montgomery County Parks*);
- ❑ How historic resources are protected (see *A Resident's Guide to Historic Preservation in Montgomery County*);
- ❑ How to obtain demographic and statistical data. (See *A Resident's Guide to Demographic and Statistical Resources in Montgomery County*.)

This brochure will tell you some basic information about the Commission and its planning, zoning and park work in Montgomery County.

### NEED DETAILS RIGHT NOW?

- ❑ **Community Relations Office**, Room 209, 8787 Georgia Avenue, Silver Spring, MD 301-495-4600, TTY 301-495-1331
- ❑ **Land Use Information, Master Plans, Publications, Subdivision Records and Zoning**, 2nd floor, 301-495-4610
- ❑ **Employment Office**, 6611 Kenilworth Avenue, Riverdale, MD, 301-454-1411
- ❑ **Park Permits Office**, 9500 Brunett Avenue, Silver Spring, MD, 301-495-2525



### MONTGOMERY COUNTY PLANNING BOARD

301-495-4605, FAX 301-495-1320

e-mail: [mcp-chairman@mncppc-mc.org](mailto:mcp-chairman@mncppc-mc.org)

In Montgomery County, The Maryland-National Capital Park and Planning Commission operates through a five-member Planning Board which has full and final authority to administer the Subdivision Ordinance, the site plan process, and the optional method development process in Montgomery County; and for planning, acquiring, developing, maintaining, and operating the County's extensive park system (see *A Resident's Guide to Montgomery County Parks* and the *Subdivision and Site Plan Process* brochures).

In addition, the Planning Board:

- ❑ Prepares master plans that provide a vision for change and growth over a 20-year period for the County Executive's review and County Council's consideration and approval (see *A Resident's Guide to the Land Use Master Planning Process* brochure for more details);
- ❑ Advises the Council on text changes to the Zoning Ordinance (see *A Resident's Guide to Zoning of Land in Montgomery County* brochure for details);
- ❑ Makes recommendations to the County Hearing Examiner on applications for zoning map amendments, which are changes to the zoning for specific properties outside the master plan context;
- ❑ Makes recommendations to the Board of Appeals on applications for special exception land uses and variances to the standards;
- ❑ Makes recommendations to local, state, and federal agencies on their construction projects in Montgomery County. These items are called "mandatory referrals." (See *A Resident's Guide to Mandatory Referral Review of Public Land Uses*.)

The Planning Board meets every Thursday, and at other times as needed, to act on park plans, preliminary plans of subdivision, site plans, zoning applications, master plans and other matters. You should consult the Planning Board's weekly agenda (see below) if you want to find out when the Board will review specific items. The Board encourages residents to participate by writing letters and testifying in person.

When the Planning Board makes decisions pertaining to subdivision plans, site plans and project plans (see the *Subdivision and Site Plan Process* brochures), the proposals are subject to *ex-parte* provisions and Board members cannot speak to anyone on these issues outside the public record. This means that citizens wishing to express their views on these issues should not attempt to communicate directly with members of the Planning Board, but should submit oral or written testimony for the public record at the appropriate Planning Board hearing. Letters may be submitted in advance of the public hearing and will be included in the public record.

The Planning Board's weekly agenda is available online ([www.mc-mncppc.org](http://www.mc-mncppc.org)) and copies are mailed to County civic/homeowners associations and any other group or individual who asks to be placed on the mailing list. The Planning Board's Community Relations Office maintains and updates the agenda mailing list. Adjoining and confronting property owners who will be affected by a subdivision or other development activity also receive official notice from the staff. You're encouraged to find out about items coming before the Board by reviewing the weekly agenda or by calling 301-495-4600 and to testify before the Board or submit comments in writing.

### PLANNING BOARD MEMBERS

The five members of The Maryland-National Capital Park and Planning Commission's Montgomery County Planning Board are appointed for staggered four-year



(standing left to right) Wendy Perdue, Derick Berlage, Meredith Wellington. (seated) Allison Bryant and John Robinson.

terms. Planning Board members may serve a maximum of two full paid terms and no more than three members may belong to the same political party. The Montgomery County Council appoints and the County Executive confirms all members of the Board.

Planning Board members and their terms are:

**Derick P. Berlage (D), Chairman**  
7/02 - 6/06

**Wendy C. Perdue (D), Vice Chair**  
3/98 - 6/99, 6/99 - 6/03, 6/03 - 6/07

**Allison Bryant (R), Commissioner**  
9/97 - 6/00, 6/00 - 6/04

**John M. Robinson (D), Commissioner**  
9/01 - 6/05

**Meredith K. Wellington (R), Commissioner**  
6/99 - 6/03, 6/03 - 6/07

For more information about individual Planning Board members, visit our website at [www.mc-mncppc.org](http://www.mc-mncppc.org). To assist the Board, the Commissioners' Office includes Community Relations, the Chairman's Office, and the Technical Writers.

### THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Maryland-National Capital Park and Planning Commission (M-NCPPC or the Commission) welcomes citizen participation in planning for the orderly physical development of Montgomery and Prince George's Counties in Maryland. M-NCPPC enjoys a long history of award-winning programs and excellent service to both Counties.

In 1927, the Maryland legislature created M-NCPPC to acquire land and implement plans for a system of parks and conservation areas, to determine the location of highways, to exercise control of the subdivision of land, and to implement zoning regulations. Maryland State Law (Article 28, known as the Regional District Act) provides the basic planning and zoning authority for The Maryland-National Capital Park and Planning Commission. On this authority, the M-NCPPC and the County Councils, acting as a District Council for each County, exercise their various planning and zoning powers. Citizens may find this legislation in public libraries.

M-NCPPC has 10 Commissioners, five appointed by the Montgomery County Council and five by the Prince George's County Executive. Meeting on the third Wednesday of the month, the five Commissioners from each County together serve as the Commission. The Planning Boards meet separately to facilitate, review, and administer the land use matters affecting only their respective Counties. To carry out their functions, the County Planning Boards meet separately on Thursdays at 8787 Georgia Avenue, Silver Spring and 14741 Governor Oden Bowie Drive, Upper Marlboro, respectively.

Each year, the County Councils approve the Commission's operating budget and set priorities for the Planning Boards' park and planning work programs. The Councils also approve the six-year Capital Improvements Program (CIP) budget.

The Commission handles regional planning and park matters and decides on administrative policies of interest to both Counties. The Chairs of each Planning Board serve full time and act as Chair and Vice Chair of the Commission on an annual rotating basis.

### **M-NCPPC'S MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

The Montgomery County Department of Park and Planning performs the detailed staff work in long-range master planning, transportation and environmental planning, park planning and development, park operations and maintenance, zoning, demographics and other research, and community outreach. In addition, regulatory responsibilities include preliminary plans of subdivision, site plans, project plans, and record plats, plus mandatory referrals, special exceptions, technical briefings and other work for the Montgomery County Planning Board. (See the entire series of *A Resident's Guide* brochures for a more complete overview of the Montgomery County Department of Park and Planning's work.)

### **Department of Park and Planning Contact Information**

**Charles R. Loehr,**  
Director, Department of Park and Planning and  
Donald K. Cochran, Deputy Director, 301-495-4500  
Terry Brooks, Special Program Coord., 301-495-4726  
Bill Mooney, Manager, Public/Private Partnerships, 301-495-2501

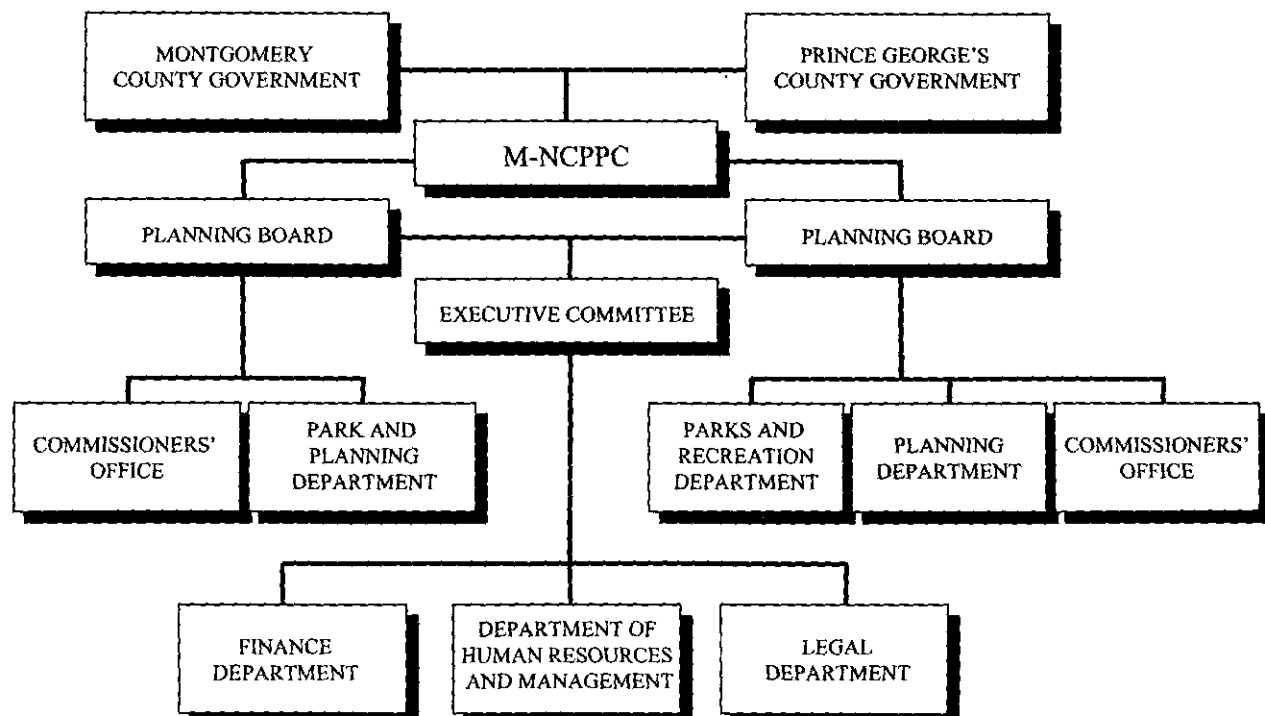
Community-Based Planning Division, 301-495-4555  
Countywide Planning Division, 301-495-4540  
Development Review Division, 301-495-4595  
Management Services Division, 301-495-4630  
Research and Technology Center, 301-495-4700  
Strategic Planning Division, 301-495-4509

Office of the Superintendent of Parks, 301-495-2500  
Park Police Division, 301-949-8010  
Park Development Division, 301-495-2535  
Southern Region, 301-299-1971  
Central Maintenance Division, 301-670-8100  
Natural Resources Division, 301-650-2600  
Northern Region, 240-773-3400

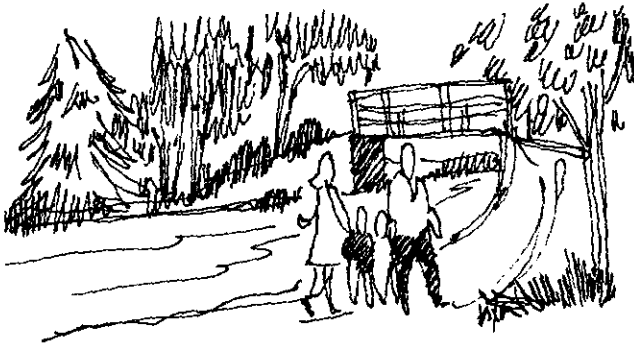
### **YOUR PARK SYSTEM 301-495-2503**

In addition to land use, subdivision and zoning, the Montgomery County Planning Board plans, acquires, develops, maintains, and operates Montgomery County's highly acclaimed park system, including more than 32,200 acres of park land in 389 parks. Two-thirds of the

## **THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION ORGANIZATIONAL CHART**



land in regional parks remains undeveloped and in a natural state to help protect our environment. Together



with conservation areas and stream valley parks, the regional parks provide a significant amount of undisturbed natural area for public enjoyment and environmental protection.

Each year, nearly 10 million park visitors enjoy a wide variety of popular and attractive facilities:

- ☐ national award-winning Brookside Gardens
- ☐ scenic golf courses
- ☐ conference and meeting centers
- ☐ individual and group picnic areas
- ☐ children's playgrounds
- ☐ hiker/biker, equestrian and pedestrian trails
- ☐ riding stables and ice skating rinks
- ☐ indoor and outdoor tennis and basketball courts
- ☐ ballfields (soccer, football, baseball and softball)
- ☐ nature centers, recreation centers, and campgrounds
- ☐ South Germantown Recreational Park.

You're encouraged to participate in the future of your parks by reviewing the parks' construction budget called the Capital Improvements Program (CIP) and all proposed park plans, then testifying verbally or in writing.

See *A Resident's Guide to Montgomery County Parks* brochure for more details, or call 301-495-2503 for information and 301-495-2525 for park permits.

#### **PARK POLICE ENSURE PARK SAFETY**

301-949-8010  
(Emergencies 301-949-3010)

Adequate security helps ensure that our citizens feel safe using our parks. To that end, the nationally accredited Maryland-National Capital Park Police division keeps order and prevents crime within the park system and on park roads, working closely with the Montgomery County Police Department.

**COUNTY GOVERNMENT**  
**MONTGOMERY COUNTY COUNCIL**  
240-777-7900

The County Council appoints the Planning Board with the consent of the County Executive, and the

Council sets priorities for the Planning Board. Each year the Council approves the Board's operating budget and work program. Twice a year, the Council reviews the Commission's work program and may revise priorities to meet current needs or changing requirements.

The nine-member County Council includes four at-large and five district Councilmembers. Voters throughout the County elect the four at-large members, while the five district members must reside in the district they represent and are elected only by the voters from their Council district.

**COUNTY EXECUTIVE**  
240-777-2500

Article 2 of the Montgomery County Charter describes the Executive Branch and gives executive power to a County Executive, elected by the voters of the entire County. Provisions for the Executive's role in the planning, zoning, and subdivision processes are included in Article 28. Each year, the County Executive reviews the Commission's budget and makes recommendations to the County Council on that budget. However, the County Council makes the final decision to approve the Commission's work program and budget. Residents have opportunities to participate in these processes.

#### **WE WELCOME YOUR INPUT**

The Maryland-National Capital Park and Planning Commission and its Montgomery County Planning Board encourage you to participate in all the processes for zoning, planning, subdivision, park operations, and other matters.



#### **The Maryland-National Capital Park and Planning Commission**

8787 Georgia Avenue, Silver Spring, MD 20910  
301-495-4600, [www.mc-mncppc.org](http://www.mc-mncppc.org)

M-NCPPC encourages the participation of all individuals in its programs and services. For accommodations, please call 301-495-4600, TTY 301-495-1331 or the Maryland Relay Service, 1-800-735-2258, for people with hearing impairments.

**January 2004**

## A RESIDENT'S GUIDE TO

## Demographic and Statistical Resources for Montgomery County

8787 Georgia Avenue, Silver Spring, MD 20910, 301-495-4600, TTY 301-495-1331, [www.mc-mncppc.org](http://www.mc-mncppc.org)

This is one in a series of Resident's Guides designed to help you participate in the land use planning, park planning, zoning, subdivision, and site plan processes for your Montgomery County community.

In this guide, you will find out:

- ❑ What information is on the Planning Board's Internet web site that will help you participate in the planning, zoning, and subdivision processes in Montgomery County—plus other information to enhance your knowledge of the Commission and your enjoyment of the County's parks;
- ❑ How the Commission uses computer technology to track park reservations and park permits, and to help the Park Police keep the parks safe;
- ❑ The kinds of demographic and statistical information available from the Department of Park and Planning and how such information assists citizens, businesses, and County decision makers;
- ❑ What types of publications are available to assist with important personal and County-wide decisions;
- ❑ What is the Geographic Information System (GIS) and what information these maps provide.

### RESEARCH AND TECHNOLOGY CENTER



The Research and Technology Center of the Montgomery County Department of Park and Planning creates and maintains the Planning Board's Internet web site and provides other community services through its Technology arm, in addition to compiling, analyzing, and publishing statistical data.

### MONTGOMERY COUNTY PLANNING BOARD INTERNET WEB SITE

The Internet web site of The Maryland-National Capital Park and Planning Commission's Montgomery County Planning Board is [www.mc-mncppc.org](http://www.mc-mncppc.org). This web site provides a wealth of information about the planning, zoning, and subdivision processes in Montgomery County, as well as information about the Montgomery County Planning Board, the Department of Park and Planning, and about the County.

At [www.mc-mncppc.org](http://www.mc-mncppc.org) you will find links to many topics, including the following:

- ❑ Weekly Planning Board meeting agendas and staff reports for items on the agenda
- ❑ Forms and information about procedures related to the planning, zoning, subdivision, and other activities of the Department of Park and Planning
- ❑ Text of all adopted area master plans, which put forth the long-term vision for the physical development of each area of the County (Note: By law, all contracts to purchase housing require that the buyer must be made aware of and have the opportunity to review the applicable area master plan.)
- ❑ Demographic and statistical data
- ❑ Information about the various staff divisions of the Montgomery County Department of Park and Planning
- ❑ Links to related information, such as the text of the adopted Annual Growth Policy and the Montgomery County Zoning Ordinance
- ❑ M-NCPPC News Releases

- ❑ It assists current and future County residents with decisions about where to live, work, and attend school in the County.
- ❑ It assists businesses with decisions about business locations and marketing.
- ❑ It assists County planners in all their activities, including the preparation of area master plans, which set forth the long-term vision for future physical development in each planning area.



- ❑ It assists County officials—who must keep pace with, or anticipate, a vast array of complex issues—in making decisions about County facilities and services.

For example, before a decision is made to build a new school, recreation center, library, or other public facility in the County, the County Council must be assured that the demand for the facility will not be short-lived. Demographic and statistical information provided by the Department of Park and Planning helps the County Council identify the availability of and need for County facilities and information about development to support special populations in the County, such as adequate affordable housing, housing for the elderly, nursing homes, and assisted-living facilities.

The Department also assists the County Council in the development of the ***Annual Growth Policy***, which the Council uses to manage the pace of development in the County to ensure that necessary public facilities, such as schools, roads, and sewer service are available to support new development.

### **Published Research and Statistics**

Through the Research and Technology Center, the Department of Park and Planning produces many publications with statistics and forecasts, which can be of use to residents, businesses, and decision makers. Here is a sample of the demographic and economic study publications:

***Population, Household and Job Forecasts:*** Household and job forecasts are based on land use and economic information, including the “pipeline” of approved development. Population forecasts are compiled using the housing forecasts and the Department’s own demographic model to project household size and household population by age and sex, calibrated to the latest U.S. Census or The Maryland-National Capital Park and Planning Commission Census Update Survey figures. These forecasts are available for County planning areas, policy areas, and

community analysis zones and are prepared as part of a cooperative effort with other member jurisdictions through the Metropolitan Washington Council of Governments.

***Montgomery County at a Glance:*** Provides current estimates and forecasts of population by household, age, sex, race, educational level, employment, occupation, and commuting method; and by household size, composition, type, and income.

The Department maintains population reports prepared with census updates, planning area profiles, and County trends. In addition, *special reports* on industries are prepared, including information technology and biotechnology industries, and on land-use topics (housing, offices, shopping centers).

***Economic Forces that Shape Montgomery County:*** Provides an analysis of each year’s employment patterns, development status, and labor force demographics. Several years of annual reports are available, each focusing on a particular aspect of the County economy.

***Need for Housing for Older Adults in Montgomery County:*** The County needs moderate but steady growth in the number of senior housing units in the County. There are immediate needs in the areas of assisted living for low- and very low-income people and independent living for low- and moderate-income households.

***The Information Technology and Communications Industry in Montgomery County:*** Documents the economic role played by the 1,900 Montgomery County firms in this industry. The analysis includes: firm size and activity, locations of firm clusters, type of space used, and the differences between Montgomery County firms and those found elsewhere in the region.

***Affordable Housing in Montgomery County – Status and Inventory:*** Provides a detailed inventory of the many types of affordable housing. More than just a

list, the report provides substantial analysis of the findings to present a clear picture of the current status of affordable housing in Montgomery County.

### ***The Biotechnology Industry in Montgomery***

**County:** Analyzes the impact of, and prospects for, one of Montgomery County's signature industries: biotechnology. A focus of the study relates commercial space needs of biotechnology firms to County land use plans. The report finds that Montgomery County is well-positioned to participate in the worldwide growth of the biotechnology industry.

You can obtain these publications free of charge through the Research and Technology Center at the Planning Board's offices at 8787 Georgia Avenue in downtown Silver Spring, 301-495-4700, or read a copy that may be in your local library.

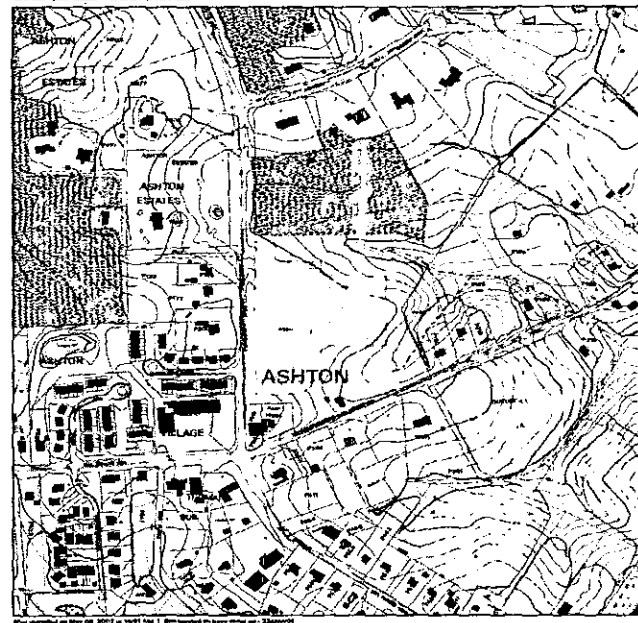
## **GEOGRAPHIC INFORMATION SYSTEM (GIS)**

In addition to forecasting and compiling demographic and statistical data about the County and publishing economic studies, the Commission is responsible for the highly acclaimed Geographic Information System (GIS), which integrates data with computerized maps.

The Montgomery County Department of Park and Planning, through its Research and Technology Center, is a leader in GIS development in the country. The Center plays a strategic role in coordinating GIS development and in building and maintaining the basic computer map "layers" and systems for GIS within the County. Since the completion of the basic layers (roads, buildings, zoning, parks, ponds, etc.) in 1997, GIS maps have become an essential planning tool.

The GIS Team of the Department of Park and Planning coordinates the County's two basemaps. Planimetric maps include many of the features that can be viewed from the air, e.g., buildings, roads, parks,

**SAMPLE GIS MAP**



streams, and other natural features. The lines on the property maps show the ownership boundaries for the land within the County. In its fifth year of maintenance, the planimetric basemap is updated daily.

Current projects are underway to make maps available to the public through the Internet. In addition, GIS maps can be purchased at the Information Counter at the Montgomery Regional Office in Silver Spring.



## **The Maryland National Capital Park and Planning Commission**

8787 Georgia Avenue, Silver Spring, MD 20910  
301-495-4600, [www.mc-mncppc.org](http://www.mc-mncppc.org)

TTY 301-495-1331 or the Maryland Relay Service,  
1-800-735-2258 for people with hearing impairments

**January 2004**

## Land Use Master Planning Process in Montgomery County

8787 Georgia Avenue, Silver Spring, MD 20910, 301-495-4600, TTY 301-495-1331, [www.mc-mncppc.org](http://www.mc-mncppc.org)

This is one in a series of Resident's Guide brochures designed to help you participate in planning for the future of your Montgomery County community. In addition to this one, you'll find Guides to the *Park and Planning Commission*, *Zoning*, *Historic Preservation*, *Public Participation*, *Montgomery County Parks* and others.

In this brochure, you'll find:

- ☐ What is a Master Plan and how does it affect you?
- ☐ Hearing from residents
- ☐ Master Plan Advisory Groups
- ☐ The General Plan
- ☐ Wedges and Corridors
- ☐ Functional Master Plans
- ☐ Sectional Map Amendments

### WHAT IS A MASTER PLAN AND HOW DOES IT AFFECT YOU?

A master plan is the document that county government uses to guide the development and use of land. Sector plans detail land use recommendations for particular places such as central business districts or areas immediately adjacent to a rapid transit (Metro) station.

Using *A General Plan for the Maryland-Washington Regional District...On Wedges and Corridors* (see page 2) as a guide, the Montgomery County Planning Board creates local master plans and sector plans to set forth the vision of future development for those areas. Once approved by the County Council and adopted by the M-NCPPC, Master Plans and Sector Plans are incorporated into and amend the General Plan.

Master plans play an important role in the lives of County residents. County law requires that prospective homebuyers must be informed that a master plan for their area exists, and they have the right to inspect the pertinent master plan or forfeit that right. Reviewing the master plan or sector plan helps homebuyers know the kind of development that is recommended and **anticipated** for the area for the next 10-20 years. These plans also focus on the need for and challenges of planning for neighborhood stability and identity in older, fully developed communities that have little new development potential.

Key elements to look for in a master plan might be, among others, the zoning of a particular area, the appropriateness of special exceptions located there, the transportation recommendations, the location of nearby parks, etc.

*It is critical, however, to realize that recommendations in master plans are only a guide for the future.* It may be necessary to consult other sources of information such as



the Zoning Ordinance, that help you find out in greater detail what you are permitted to build on your own property and also what your neighbors are permitted to do with their properties near yours.

By working closely with affected residents and Master Plan Advisory Groups as well as discussing the professional recommendations of Park and Planning staff, the Planning Board is able to make thoughtful master plan recommendations to forward to the County Council for its public hearing, final review, and approval.

## HEARING FROM RESIDENTS

Residents' views on land-use issues are important to the Planning Board's decision-making process. The Planning Board and its staff are committed to providing a fair and equitable procedure so that all interested parties have a chance to express their views. As concerned residents, you are encouraged to attend and share your views through written testimony sent to the Planning Board in advance or through verbal testimony at the Planning Board's open public hearing held on all area master plans and sector plans, functional master plans, or plan amendments.

## MASTER PLAN ADVISORY GROUPS

For all master plans, representatives from a broad spectrum of the neighborhood, civic, and economic interests in the County provide input. They have an opportunity to express their own and their communities' views when the Planning Board prepares a master plan or sector plan. Knowing community concerns and attitudes helps the Planning Board and its staff develop plans that are sensitive to the needs and interests of the community.

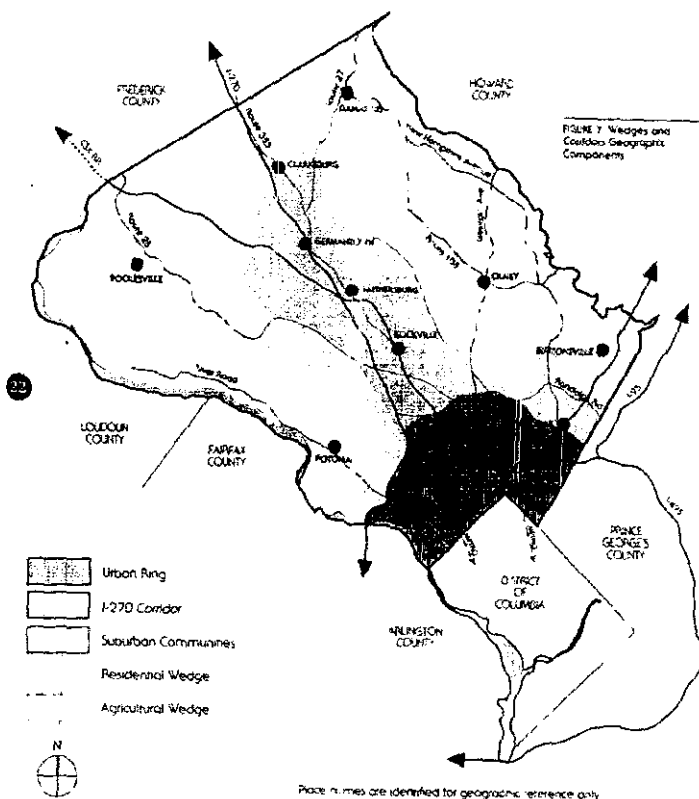
In open meetings, participants work first with staff through the Staff Draft Plan and then with the Planning Board when staff presents the Draft. Participants may testify as individuals or as a group at the public hearing. The Planning Board takes their advice seriously. The Planning Board considers the staff draft and public testimony during worksessions before finalizing their

recommendations to the County Executive and County Council. The County Council has the final authority on approving the master plan. The Maryland-National Capital Park and Planning Commission then adopts the Council-approved master plan to be integrated into the General Plan (see below).

Please participate in the planning for the future of your community. Contact the Community-Based Planning Division for more information, 301-495-4555.

## THE GENERAL PLAN

The original 1964 General Plan, updated most recently in 1993 and referred to as the General Plan Refinement, is a comprehensive guide to the County's development for the next 20 years. The Planning Board developed the Plan



for land use, transportation and circulation, conservation, open space, water and sewer systems, employment, and housing. The General Plan envisions a development concept of “wedges and corridors” for the County and is illustrated in the previous page.

## **MONTGOMERY COUNTY’S GENERAL PLAN CONCEPT: “WEDGES AND CORRIDORS”**

The “corridors” portion of this concept represents concentrations of development along major transportation spines or “corridors” that radiate out from the District of Columbia. In Montgomery County, these transportation corridors include Interstate 270 and the Interstate 95 corridor, part of which lies in the eastern portion of the County along US 29.

Green “wedges” are the spaces between the corridors reserved for predominantly low-density and rural-type development, except for certain “satellite” towns such as Damascus and Olney. In the green wedges, the Planning Board and County Council have successfully preserved a vast and viable agricultural preserve, primarily through effective planning, zoning and the Transfer of Development Rights (TDR) program. (See *A Resident’s Guide to Zoning of Land in Montgomery County*.)

You may purchase a copy of the 1993 General Plan Refinement through the Information and Publications Section at the Planning Board’s offices at 8787 Georgia Avenue in downtown Silver Spring, 301-495-4610, or read a copy that may be in your local library. For additional information on the Commission and its planning work, check out the website, [www.mc-mncppc.org](http://www.mc-mncppc.org).

Based on the General Plan, and following the process for input from staff, the Master Plan Advisory Group, and the public, the Planning Board creates local area-specific master plans and sector plans to set forth the vision of future development for those areas. The Planning Board also creates county-wide systems-oriented functional master plans (see below) that supplement and are incorporated into the General Plan.

For more detailed information on the master planning process, please refer to the free publication, *The Master Planning Process, Montgomery County, Maryland: A Guide for Citizens, Planners, and Government Officials*, September 1997. This document outlines the process and includes information about Master Plan Advisory Group (MPAG) involvement. Copies of this document, as well as most Master Plans, may be obtained from the second floor Information and Publications Section at 8787 Georgia Avenue in downtown Silver Spring, 301-495-4610, or may be in your local library. All Master Plans and Sector Plans are now online at [www.mc-mncppc.org](http://www.mc-mncppc.org).



## **FUNCTIONAL MASTER PLANS**

Functional master plans are important because they focus on specific “systems” that support and tie master plans together, such as: general circulation systems (transportation, bikeways, and trails); parks and recreation; environmental systems, watershed protection, stormwater management; and agricultural preservation. The preparation, approval, and adoption of functional master plans are the same as with other master plans.

## **The Master Planning Process In Brief**

Planning Board submits and County Council approves:

### **Annual Work Program**

Park and Planning staff initiates community participation and prepares:

### **Purpose and Outreach Report**

Park and Planning staff reviews Issues Report with Planning Board and then prepares

### **Staff Draft Master Plan**

Planning Board reviews Staff Draft and, with modification as necessary, approves the plan as suitable for public hearing:

### **Public Hearing (Preliminary) Draft Master Plan**

Planning Board reviews public hearing testimony, receives County Executive comments at Board worksessions, and adjusts the Public Hearing Draft to become:

### **Planning Board (Final) Draft Master Plan**

County Executive reviews Planning Board Draft and forwards fiscal impact analysis and comments to County Council.

### **Planning Board (Final) Draft Master Plan is transmitted to the County Council**

County Council holds public hearing and worksessions and approves, disapproves, or amends Planning Board Draft, which is forwarded to M-NCPPC to be adopted, to become:

### **Approved and Adopted Master Plan**

## **SECTIONAL MAP AMENDMENTS**

The actual implementation of master plan recommendations does not occur until the County Council approves a sectional map amendment (SMA). An SMA is a comprehensive action covering a section of the County, usually the same as a master plan. It proposes various zones to be applied to individual tracts of land, normally as recommended in the master plan. All property owners affected by any recommended change in zoning are notified individually to testify at the County Council's public hearing on a proposed sectional map amendment. Approval of the SMA is by majority vote of the Council.



## **The Maryland-National Capital Park and Planning Commission**

8787 Georgia Avenue  
Silver Spring, MD 20910  
301-495-4600  
[www.mc-mncppc.org](http://www.mc-mncppc.org)

M-NCPPC encourages the participation of all individuals in its programs and services. For accommodations, please call 301-495-4600, TTY 301-495-1331, or the Maryland Relay Service, 1-800-735-2258, for people with hearing impairments.

**July 2004**

# Mandatory Referral Review of Public Land Uses

8787 Georgia Avenue, Silver Spring, MD 20910, 301-495-4600, TTY 301-495-1331, [www.mc-mncppc.org](http://www.mc-mncppc.org)

This is one in a series of Resident's Guide brochures designed to help you understand the Mandatory Referral, historic preservation, land use planning, zoning, subdivision, and site plan processes in your Montgomery County community. The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission invites residents to participate in this as well as other land use processes. (See *Public Participation Land Use Master Planning Process*, *Zoning*, *Subdivision and Site Plan Processes*, and *Parks* brochures.)

In this brochure, you will learn:

- ☐ What is a Mandatory Referral
- ☐ What is an administrative review
- ☐ What is a full Planning Board review
- ☐ How are closed school properties handled
- ☐ What are Mandatory Referral hearings and how does notification work
- ☐ Residents' participation in the process
- ☐ Planning Board's process of review

## WHAT IS A MANDATORY REFERRAL?

Government agencies planning construction projects located in Montgomery County, including schools, must refer their plans to the Planning Board for advisory Mandatory Referral review. Because **the Planning Board's decision and recommendations are advisory only**, an applicant may overrule the Planning Board's disapproval and proceed with the proposed project.

According to State law (Section 7-112 of the Regional District Act), all Federal, State or local governments and public utilities are required to submit proposed projects (i.e., roadway improvements, schools, public buildings, fire and police stations, etc.) in Montgomery County for a Mandatory Referral review and recommended approval by the Montgomery County Planning Board. The Planning Board must also review the widening, extension, relocation, narrowing, abandonment, or change of use of any road, park or public way, and the acquisition or sale of any land by any public board, body, or official.

Staff advises the applicant to seek community input before formally submitting the project for Mandatory Referral review. Staff may request the applicant to send

appropriate, adequate, and timely public notice to adjacent, and adjoining property owners. After analyzing the project and consulting with the applicant and the community, staff determines and advises the applicant of the type of review needed. Staff members also help in the process as needed, including establishing review standards.

### **ADMINISTRATIVE REVIEW BY STAFF FOR MINOR PROJECTS**

Administrative staff review is normally conducted for small additions, alterations, or renovations to existing facilities that do not create any significant impact on the surrounding community, parkland, or natural resources and are completely in compliance with applicable laws and regulations. No Mandatory Referral hearing or notification is required for projects approved through administrative review procedures. A letter from the Director of the Department of Park and Planning notifies the applicant that no further review is required for the project.

### **FULL PLANNING BOARD REVIEW**

Full Planning Board review is conducted for projects that do not fit in the above category and therefore, undergo a full Planning Board review with a Mandatory Referral hearing and notification described on page 3 of this brochure. The applicant is urged to consult with Park and Planning staff early in the project development to determine when a project should be submitted for review. Projects are presented for Planning Board review as soon as all the necessary information is complete and there is still enough time to make changes, if needed, to address the Planning Board's

recommendations. Generally, a project should be submitted at 30-35% completion during the design and development stage. All site selections and acquisitions, even when consistent with the relevant master plans, must be presented for Mandatory Referral before they are finalized.

Some projects may need to be reviewed at more than one stage, depending on the nature and type of development proposed. For large or complex projects, the Planning Board may require a second review when a more detailed design is available.



### **CLOSED SCHOOL PROPERTIES**

Closed school properties are reviewed by the Planning Board in accordance with County Council Resolution 13-598, which may be obtained from the Council's Legislative Information Services at 240-777-7910.

The Planning Board reviews a school closure initially when the property is transferred to the County and the



County prepares a reuse proposal. School closure properties may also be reviewed a second time when a specific use is selected and a detailed program of development and schematic design is prepared. These two steps may be combined into a single review if a specific use is proposed.

Although not reviewed as a Mandatory Referral, the site plan of a **private educational institution** when it is constructed on vacant land owned or leased by Montgomery County, or when there is a 15% or 7,500 square foot increase in gross floor area of a private school located in a closed public school or a building owned or leased by the County, is also reviewed by the Planning Board, as required by the Zoning Ordinance.

### **MANDATORY REFERRAL HEARING AND COMMUNITY NOTIFICATION**

The Planning Board conducts a hearing to receive community comments during its regularly scheduled sessions for all projects requiring a full review. Staff notifies the area civic associations when the project has a complete application and a 60-day review clock starts. Notification generally includes project name, applicant, location, a brief description, staff contact and tentative date of the Planning Board meeting where public testimony is accepted. A final notification of the hearing is published in the Planning Board's weekly agenda, available on the Internet at [www.mc-mncppc.org](http://www.mc-mncppc.org).

The Planning Board encourages applicants to conduct adequate and timely community outreach and notification including notifying adjacent, abutting and confronting

property owners. Staff works with the applicant to determine appropriate outreach in each case.

### **RESIDENTS' PARTICIPATION IN THE PROCESS**

The Planning Board's consideration of a Mandatory Referral is often the only opportunity residents have to publicly comment on a proposal that may affect their neighborhood. If you have or your citizen/homeowners association has been notified of a nearby Mandatory Referral proposal, you should find out the facts and ask how to be most effective.

- ☐ Review final questions with staff
- ☐ Check which agency is the final decision maker
- ☐ Check Planning Board agenda for date of hearing (mailed weekly or online at [www.mc-mncppc.org](http://www.mc-mncppc.org))
- ☐ For approximate time of hearing and other information, call the Community Relations Office at 301-495-4600, TTY 301-495-1331 or the Maryland Relay Service, 1-800-735-2258, for people with hearing impairments.

### **PROCESS OF REVIEW**

During the Mandatory Referral hearing at the Planning Board's regularly scheduled Thursday meetings, the Board will review the proposal and may seek clarifications from the staff, the applicant, or the community, if necessary.

The Planning Board considers all relevant land use and planning aspects of the proposal, including:

- ☐ its consistency with the County's General Plan, functional master plans, approved and adopted area

master plans or sector plans and other public programs for the area;

- ❑ its consistency with the intent and requirements of the zone;
- ❑ its compatibility in size, shape, scale, height, arrangement and design with the surrounding neighborhood and properties;
- ❑ the adequacy, safety and efficiency of the location of buildings, structures, open spaces, landscaping, recreation facilities, pedestrian and vehicular circulation systems;
- ❑ its approved Natural Resources Inventory/Forest Stand Delineation and preliminary stormwater management concept plan and whether it meets the requirements of the Forest Conservation Law. The Forest Conservation Plan must be approved by the Planning Board and is binding on all County projects;
- ❑ a Preliminary or Final Water Quality Plan review by the Planning Board if the project is located in a Special Protection Area;
- ❑ whether the site is needed for park use if the proposal is the disposal of a surplus school; and
- ❑ whether alternatives have been considered for the project if the proposal is not consistent with the General Plan or other plans and policies for the area or has negative effects on the surrounding properties or neighborhood, the transportation network, the environment or other resources.

### **THE PLANNING BOARD ADVISORY RECOMMENDATION**

Based on the staff report, public comments and input, the applicant's rationale, and the findings and considerations, the Planning Board will approve (with

comments, if appropriate) or disapprove Mandatory Referral applications.

Following the Planning Board's review, the Chairman of the Planning Board sends a letter containing the Board's decision and its rationale to the head of the applicant public agency. Because **the Planning Board's decision and recommendations are advisory only**, an applicant may overrule the Planning Board's disapproval and proceed with the proposed project. Furthermore, there is no appeal process of the matter. When Federal projects are involved, the National Capital Planning Commission (NCPC), located in Washington, DC, makes the final decision. To reach NCPC, call 202-482-7200.

### **ZONING AND MASTER OR SECTOR PLANS**

If you'd like to see what's planned and zoned for the future of your community, visit Information and Publications at 8787 Georgia Avenue, Silver Spring, MD, 301-495-4610, or check out plans online at [www.mc-mncppc.org](http://www.mc-mncppc.org).



### **The Maryland-National Capital Park and Planning Commission**

8787 Georgia Avenue

Silver Spring, MD 20910

301-495-4600, [www.mc-mncppc.org](http://www.mc-mncppc.org)

TTY 301-495-1331 or the Maryland Relay Service,  
1-800-735-2258, for people with hearing impairments

**January 2004**

## Montgomery County Parks

Parkside Headquarters, 9500 Brunett Avenue, Silver Spring, MD 20901, 301-495-2500 [www.mc-mncppc.org](http://www.mc-mncppc.org)

This is one in a series of Resident's Guide brochures designed to help you understand the park planning, land use planning, zoning, subdivision, and site plan processes in your Montgomery County community.

The Maryland-National Capital Park and Planning Commission's Montgomery County Planning Board sets policy for park acquisition, planning, development, fees, and regulations. Through its Department of Park and Planning, it is responsible for construction, maintenance, renovation, and operation of the more than 32,200 acres of parkland in Montgomery County. Montgomery County Parks offer passive and active recreational facilities, historic sites, interpretive programs at nature centers, conservation areas and horticultural education.

### COMMUNITY INVOLVEMENT ENHANCES PARK PLANNING

Park development is closely coordinated with master planning (see *A Resident's Guide to the Land Use Master Planning Process*) and the subdivision process (see *How to Participate Effectively in the Subdivision Process*). It begins with user surveys and other information collected to determine communities' needs for recreational facilities. That information becomes the Parks, Recreation, & Open Space (PROS) Master Plan, which the Planning Board uses to make decisions on land for future parks.

Residents have an opportunity to suggest park development projects in their neighborhoods every two years. The resulting Capital Improvements Program (CIP) sets priorities for funding, design, and construction. The park planning and design processes for specific park properties are two more opportunities for adjacent communities to be a part of park development.

A portion of your property tax is dedicated to fund a substantial portion of the park system's annual operating budget, which is subject to public comment before County Council approval in May. Notices for meetings are published at [www.mc-mncppc.org](http://www.mc-mncppc.org).

To register as a speaker, please call 301-650-2890. Copies of the PROS Plan, CIP Budget, Operating Budget, or plans for parks are also available on-line or at the Commission's Office, 8787 Georgia Avenue in Silver Spring. (See *A Resident's Guide to Public Participation in Land Use Decisions in Montgomery County*.)

### LAND ACQUISITION AND USE

Since 1927, when the first parcel of land was acquired in Sligo Creek Stream Valley, the park system has steadily grown. Parkland is frequently dedicated as a requirement of the subdivision process. Often there are houses or other buildings on these properties, many of which are historic and safeguarded for future preservation.

Two-thirds of the land in regional parks remains undeveloped in its natural state to help protect the environment. Several thousand acres of parkland are shared with public schools, providing elementary, middle and high school children with quality playing fields and playgrounds. Most indoor and outdoor aquatic facilities and some community buildings, operated by the Montgomery County Department of Recreation, are located within parks.



### LEGACY OPEN SPACE

Designed to conserve and steward land of exceptional value, Legacy Open Space is a bold, multi-year, \$100 million program to preserve natural and heritage resources, water supply, urban open space, trails, and farmland. Support for the initial \$33 million

phase came from County general obligation and park bonds. The Planning Board purchased the first four properties under the Legacy Open Space program, including Bucklodge Forest, northeast of Barnesville; Sligo Mill in Takoma Park; the Leet property in South Germantown; and Radl properties – a total of 263 acres protected. As the largest Legacy acquisition, the 766-acre Hoyles Mill Conservation Park in Boyds preserves the property's areas of significant natural value while providing passive recreational opportunities. Approximately 30 percent of future funding for the Legacy Open Space Program will come from corporations, state and federal agencies, and private gifts to ensure the land's availability for future generations. The Legacy Open Space program intends to:

- ❑ Safeguard thousands of acres of exemplary and diverse natural resources;
- ❑ Contribute to the protection of water supplies by reducing development of thousands of acres of land in the Patuxent River watershed;
- ❑ Create a national model for heritage protection that embraces historic preservation;
- ❑ Connect new and existing open spaces to form a 100-mile "ribbon of green" trail from the Potomac River to the Patuxent River via the Northwest Branch;
- ❑ Protect precious green spaces in urban areas.

For more information on Legacy Open Space, call 301-650-4360.

### ACTIVE RECREATIONAL PARK USES

Whether it's biking along a paved, tree-lined path, playing a round of golf, hitting a home run, kicking a goal, or skating on an Olympic-sized ice rink, Montgomery County Parks has something for everyone. Within more than 375 developed parks, you'll find:

- ❑ Athletic fields for soccer, football, softball, baseball, and other sports
- ❑ Playgrounds for children of all abilities
- ❑ Lakes for boating, canoeing, and fishing
- ❑ Five scenic golf courses, nine to 27 holes
- ❑ 200 miles of hiker/biker and equestrian trails
- ❑ Indoor ice skating and in-line skating rinks
- ❑ Campgrounds at Little Bennett Regional Park, Cabin John Regional Park, and Parklawn Local Park for tent and recreational vehicle camping
- ❑ Nature centers
- ❑ A horticultural education center
- ❑ Reservable recreation buildings
- ❑ Picnic areas for small and large groups
- ❑ Indoor and outdoor tennis courts
- ❑ Miniature trains
- ❑ Riding stables

### PASSIVE RECREATIONAL PARK USES

From periodic surveys of residents, the Commission has learned that a key to creating an award-winning park system is gaining a balance of ample passive recreational opportunities and active sports facilities.

While providing a wide variety of park facilities within their boundaries, two-thirds of all five regional parks must remain undeveloped in accordance with Commission policy. Along with conservation and stream valley parks that enhance the County's environment, these natural areas provide significant opportunities for exploration, hiking, and horseback riding. Nature centers in regional parks help you learn more about your environment and its wildlife habitat. Trail maps show you how to access these areas from your neighborhood. Go to [www.mc-mncppc.org](http://www.mc-mncppc.org) for more information or to get *Nutshell News* for nature center programs, hours and fees, or to download trail maps.

### SPECIAL PARK FACILITIES

What's the perfect setting for a wedding or other social event? How can you learn more about ways to landscape your property? How are the County's equestrian and agricultural heritages preserved? Are there any facilities for special events? Montgomery County's parks are the answer.

***Brookside Gardens and McCrillis Gardens***, located in Wheaton and Bethesda, respectively, are formal botanical display gardens that demonstrate ways that plants and trees can be effectively used on your land. Because of their seasonal beauty, they are also the perfect setting for weddings and other social events. Brookside also offers an indoor visitor center that can accommodate up to 140 people in its main auditorium. For information on reservations at Brookside Gardens or McCrillis Gardens, call 301-962-1404.

***The Agricultural History Farm Park*** in Derwood is an excellent example of Montgomery County's thriving agricultural economy. Festivals are often held in spring and sometimes in the fall to demonstrate family life on the farm. Agencies providing assistance to the modern-day farmer are housed in the Activity Center, which also contains rooms you can reserve for meetings. For more information about the Agricultural History Farm Park, call 301-948-5053.

**Rockwood Manor Park in Potomac, Seneca Lodge in Boyds, and Woodlawn Manor Park in Sandy Spring** are conference centers in parks that offer numerous meeting and event possibilities. Rockwood also provides overnight accommodations. For more information, call 301-299-5026.

**The Potomac Horse Center, Meadowbrook Stables, and Wheaton Stables** offer riding lessons and other equestrian programs for horse-lovers of all ages. For more information, call 301-495-2527.

**The Maryland SoccerPlex at South Germantown Recreational Park** contains 24 regulation-size soccer fields, a lighted championship field, and indoor space for soccer practice, volleyball, and basketball. For more information, call 301-528-1480.

**The Shirley Povich Field at Cabin John Regional Park in Bethesda** is the home field for the Bethesda Big Train, a collegiate-level baseball team in the Clark Griffith League. These facilities are available, through permits, to other local teams. For more information about athletic field reservations, go to [www.mc-mncppc.org/permits](http://www.mc-mncppc.org/permits) or call the Park Permit Office at 301-495-2525.

**Hadley's Playground at Falls Road Local Park in Bethesda** is accessible to children of all abilities. A rubberized play surface made of recycled tires, high-back swings and communication devices for autistic and blind children are among several special features. For the locations of other Boundless Playgrounds, call 301-650-2867.

**Golf Courses at Little Bennett, Northwest Park, Needwood, Sligo and White Oak** provide 9 to 27 hole golf experiences. Most courses have driving ranges and practice putting greens, snack bars, and pro shops. For lessons, tee times, and fees, call 301-495-2530.

## **PUBLIC USE OF PARK FACILITIES**

Unless otherwise posted, public parks are available on a first-come, first-served basis. Parks are open from sunrise to sunset, except where lights are provided on tennis or basketball courts. Athletic fields, group picnic areas, and recreation buildings are in such high demand that reservations should be made through a permit. Under certain circumstances, recreation buildings are available to community groups at no charge. Use of parks for special events, such as festivals and fund-raisers, require special permission from the Superintendent of Parks and you may incur additional charges for police and support services. For more information on permitted facilities, call 301-495-2525 or go to [www.mc-mncppc.org/permits](http://www.mc-mncppc.org/permits).



## **VOLUNTEERING IN PARKS**

Join the thousands of people each year who volunteer more than 50,000 hours of their time to our parks. They clean up streams, monitor bluebird boxes, assist at archeological digs, patrol parks, help with nature center programs, maintain gardens, assist in offices, aid in special events, and more. Periodically, the Planning Board appoints special committees of park users to assist with policy development and planning. High school students can receive community service credit for their work. Call 301-495-2504 for details.

**MONTGOMERY PARKS FOUNDATION**  
301-767-0002, [www.montgomeryparksfund.org](http://www.montgomeryparksfund.org)

The Commission recognizes the important role private donors can play in enhancing the County's parks. To facilitate private support, the Commission established the non-profit Montgomery Parks Foundation in 1992 to serve as a vehicle for individuals, groups, and businesses that wish to fund unmet park needs. The Foundation facilitates a wide range of community-based improvements to Montgomery County parks, including land acquisition, plantings, facility improvements, and special programs. All donations to the Foundation are fully tax-deductible.

## **PUBLIC/PRIVATE PARTNERSHIPS**

With limited public dollars, the Planning Board cannot always provide the recreational facilities and services needed to keep pace with a growing population. That's why partnerships with private organizations, corporations, and donors as well as with other levels of government are important to the development of our park system.

Some examples of successful public/private partnerships include:

**South Germantown Recreational Park** is filled with extensive park facilities available only because of private partnerships. The park now includes the Maryland SoccerPlex (24 soccer fields, a lighted championship field with seating for 1,500, and an indoor recreational complex), which involved state, County and Commission resources, as well as private funds, particularly from the Maryland Soccer Foundation. Tennis and indoor aquatic facilities will also be available through partnerships. Two 18-hole miniature golf courses and a splash park are now open, and Commission crews have restored the dairy barn. Public funds will add a nature center, trails, playgrounds and many other features.

**Hadley's Playground at Falls Road Local Park** is a \$700,000 initiative of a mother who has a child with a disability. Hadley's Playground features communication devices used by autistic and blind children, and a rubberized ground cover made of recycled tires.

**The Shirley Povich Field in Cabin John Regional Park** and similar facilities at **Ridge Road Recreational Park** and **Montgomery Blair High School** were developed with the financial support of local baseball clubs.

**The Rickman Horse Farm Park**, a scenic 100-acre horse farm in Boyds, will be developed for therapeutic riding and includes a historic house, indoor equestrian arena, stables, barns, a two-apartment chalet and other buildings.

**The Woodstock Equestrian Center** is a 772-acre park in Beallsville that will be developed for trails, pasture, conservation areas, stables, dressage, jumping and equestrian decathlon competitions through fund-raising activities.

## **SAFETY IN MONTGOMERY PARKS**

Safety and security are paramount in Montgomery Parks. Rules and Regulations governing the operation of M-NCPPC's public parks and facilities are available on-line at [www.mc-mncppc.org](http://www.mc-mncppc.org). Playground Safety Inspectors conduct frequent checks on play equipment to assure that it meets national and manufacturers' requirements. To help ensure that your park experience is a safe one, the nationally accredited, highly acclaimed Maryland-National Capital Park Police patrol on horseback, motorcycles, bicycles, boats, and on foot. Park Watcher programs and K-9

units enhance their ability to prevent crime. To report vandalism or suspicious behavior in parks, call 911 and request Park Police or 301-949-3010. For non-emergency situations, call 301-949-8010.

## **PARKS ORGANIZATION AND TELEPHONE NUMBERS**

Along with land use planning, administering Montgomery County's park system is one of the two main functions of The Maryland-National Capital Park and Planning Commission's Montgomery County Department of Park and Planning. For maintenance, the system is divided into Northern and Southern Regions. For problems with fallen trees in parks, please call 301-650-2600. For general information and maps about parks, go to [www.mc-mncppc.org](http://www.mc-mncppc.org).

301-495-4500	Director and Deputy Director, Montgomery County Department of Park and Planning
301-495-2500	Superintendent of Parks
301-949-8010	Park Police Division - park safety
301-495-2525	Park Permit Office -field reservations
301-495-2503	Community Services—general parks information, public meeting schedules, special events
301-495-2504	Volunteer Services
301-495-2535	Park Development Division - park construction and renovation
301-650-2600	Natural Resources Division - park environmental issues; parkland tree problems
240-773-3410	Northern Region - park maintenance
301-299-1971	Southern Region - park maintenance
301-650-4370	Park Planning and Resources Analysis



## **The Maryland-National Capital Park and Planning Commission**

Montgomery County Parks, Parkside Headquarters  
9500 Brunett Avenue, Silver Spring, MD 20901  
301-495-2500  
[www.mc-mncppc.org](http://www.mc-mncppc.org)

M-NCPPC encourages the participation of all individuals in its programs and services. For accommodations, please call 301-495-4600, TTY 301-495-1331, or the Maryland Relay Service, 1-800-735-2258, for people with hearing impairments.

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